

# **BULKY DOCUMENT**

**(FILED ON PAPER – ENTIRE DOCUMENT EXCEEDS 100 PAGES)**

Proceeding No.	91212680
----------------	----------

Filing Date	01/23/2015
-------------	------------

Part	1 of	2
------	------	---

Declaration of Jessie Roberts in Support of Applicant  
Real Foods Pty Ltd's Motion for Summary Judgment

**91212680**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

FRITO-LAY NORTH AMERICA, INC.

Opposer,

vs.

REAL FOODS PTY LTD.

Applicant.

Opposition No. 91212680 (Parent)  
Opposition No. 91213587

CERTIFICATE OF EXPRESS MAILING

NUMBER EM 274692416 US

DATE OF DEPOSIT: January 23 2015

I hereby certify that this paper is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Trademark Trial and Appeal Board, U.S. Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451

  
Ami Bhatt

**DECLARATION OF JESSIE ROBERTS IN SUPPORT OF  
APPLICANT REAL FOODS PTY LTD.'S MOTION FOR SUMMARY JUDGMENT**

I, Jessie Roberts, declare as follows:

1. I am the Managing Partner of Delos, LLC, a consulting firm specializing in the field of trademarks and an attorney admitted to the Bar of Virginia. I submit this declaration in support of the motion for summary judgment filed by Applicant Real Foods Pty Ltd. ("Real Foods") in this consolidated proceeding.

**INTRODUCTION**

2. I was retained as an expert witness by counsel for Real Foods to analyze the report rendered on behalf of Frito-Lay North America, Inc. ("Frito-Lay") by Robert M. Frank ("Frank") dated September 26, 2014 (the "Frank Report"), a copy of which is attached hereto as **Exhibit A**. This declaration sets forth my opinions regarding the probative value of in the Frank Report.

**Compensation**

3. Real Foods is compensating me at the rate of 450 dollars per hour.



**01-23-2015**

### **Qualifications**

4. My qualifications and experience to act as an expert witness are listed in my Curriculum Vitae attached hereto as **Exhibit B**.

5. Most directly relevant to the matter at hand is my employment with the United States Patent and Trademark Office (the "USPTO") for over 30 years. Specifically, I was an Examining Attorney in the USPTO for over four years until I was promoted to the position of Lead Attorney. At the time I was an Examining Attorney, each of the law offices in the USPTO had subject matter expertise. While I was an Examining Attorney, I was assigned to the law office that handled food, beverages and tobacco products, and I examined trademark applications exclusively in the area of food, namely, Classes 29, 30 and 31. I was later promoted to the position of Administrator for Trademark Identification, Classification and Practice. In this position, I set policy concerning the identification of goods and services for purposes of trademark registration for the USPTO and represented the United States at meetings held at the headquarters of the World Intellectual Property Organization (WIPO) for the Nice Agreement concerning the International Classification of Goods and Services (Nice Agreement). In the course of my employment in the USPTO, I wrote many Examination Guides and Policy Statements in the area of identification and classification of goods and services. I am the author of the book *International Trademark Classification: A Guide to the Nice Agreement* published by Oxford University Press, which is now in its fourth edition.

6. As an Administrator in the Office of the Commissioner, part of my job was to review all legal memos on practice and procedure on all subjects that were to be distributed either externally or internally to the USPTO. For fifteen years, in my position as Administrator for Identification, Classification and Practice, I reviewed the Official Gazette for all aspects of registrability of the application data that were published in that document. This required familiarity with issues such as genericness, descriptiveness and disclaimer practice. Thus, although my specialized area of concentration was in the identification and classification of goods and services, I was also required to

keep current with all aspects of trademark prosecution in order to perform the task of Official Gazette review and review of legal memos that would shape USPTO practice and procedure. Because of my continued competency in all aspects of trademark prosecution law, I was called on to provide training in classes for new Examining Attorneys in areas other than identification and classification.

7. Also relevant to my qualifications for the purposes of this Declaration, I currently serve as Chair of the American Intellectual Property Law Association's ("AIPLA") Trademark-Relations with the USPTO Committee and in this capacity remain up to date on developments at the USPTO.

### **EXECUTIVE SUMMARY**

8. As I set forth more fully below, Frank does not have the background, expertise or education to provide opinions on the subjects of genericness and descriptiveness. As such, his opinions should be accorded little or no weight in the determination of this consolidated opposition proceeding. In my opinion and contrary to Frank's conclusions, Real Foods' applications for its CORN THINS and RICE THINS marks have been examined and passed for publication as they should have been, with disclaimers of "corn" and "rice" and without any disclaimer of the term "THINS".

### **ANALYSIS OF EXPERT WITNESS REPORT BY ROBERT M. FRANK**

#### **Qualifications of Robert M. Frank and Appropriateness of His Conclusions**

9. Frank's academic and business credentials in the fields of education and research are impressive, but beside the point in this case for his opinion is impacted by his lacking in one critical credential, namely, a law degree. Despite this, throughout his Report he draws what amount to legal conclusions and opinions even though he does not characterize them as such. Setting aside the legal implications of a non-attorney providing legal advice, Frank does not have the education, training or experience to qualify as an expert in trademark law, and indeed qualifies his opinions as being "[f]rom the perspective of a professional trademark researcher." (Frank Report at p. 5.)



10. CORSEARCH®, the company he founded, is well-respected in the field of trademark searching. However, trademark search firms do not render an opinion on their search results. Rather, the search firm conveys the search report to its client, who commissioned the search, and who either employs an in-house trademark attorney or engages outside counsel to render a legal opinion based on the search.<sup>1</sup>

11. In addition, the vast majority of searches done by CORSEARCH®, or any other trademark search firm, deal with issues of likelihood of confusion, not descriptiveness or genericness. Even if a search firm client needed a search done that would yield information regarding the descriptive or generic nature of a term, it would not be necessary to convey that purpose to the search firm. Rather, the search firm would be provided only with the subject matter and scope of the search (that is, the term(s) to be searched together with the relevant goods and services and geographic territory).

12. Frank himself states that a trademark researcher provides its client with “the most comprehensive report possible while, at the same time, often not knowing the purpose of the search”. (Frank Report at p. 9.) However, he then goes on to state that a trademark researcher must “understand legal concepts such as ‘likelihood of confusion’, ‘protection’, ‘trade dress’, ‘dilution’, ‘genericness’ and ‘descriptiveness’ as applied to trademark law.” Frank’s representations highlight an inconsistency in his characterization of the researcher’s role. Why would researchers need to know these legal concepts if they usually do not know the purpose of the search? Familiarity with these legal concepts is not a large part of a trademark researcher’s expertise, if, indeed, a need for such a familiarity figures at all in the job of a researcher. While Frank may be somewhat more

---

<sup>1</sup> In fact, the following statement can be found at the CORSEARCH® web page:

Any information retrieved from the Service is not to be construed as a legal opinion as to whether a trademark may be registered. Corsearch is not a law firm and cannot issue legal opinion. It is the responsibility of the user to obtain necessary legal counsel on any information retrieved from the Service.

familiar with these concepts than the researchers who have worked for him, his familiarity with and understanding of these theories does not rise to the level of rendering him able – or qualified – to providing the legal opinions and conclusions he has set forth in his Report.

13. In fact, perhaps not surprisingly in view of his lack of qualifications to render legal opinions, there are many examples of Frank’s misunderstanding of the concepts of genericness, descriptiveness and, indeed, trademark law itself throughout his Report. Some examples follow:

a. Frank appears to equate generic and weak marks by using the expression “generic/weak”.

(Frank Report at p. 5.) In trademark law, however, generic and weak terms do not have equivalent legal significance. A generic term cannot be registered. By contrast, a weak term can be registered if it functions as a trademark. In fact, a weak term can “carry” a mark that includes other terms that would otherwise be unregistrable under provisions of the Lanham Act and are required to be disclaimed. Equating these two concepts demonstrates a fundamental misconception concerning the legal characterization of terms presented in trademark applications.

b. Further, instead of relying on the legal definition of “generic”, Frank creates his own definition and relies on this standard in formulating his opinions. Frank presents a boxed section entitled “Using ‘generic’ in this Expert’s Report.” (Frank Report at p. 29.) This appears to be Frank’s pronouncement concerning the standard he will use in determining whether a term is generic. He states that it “is not intended to imply a legal determination of genericness.” This raises the question as to why this standard is being used in a document that purports to provide an expert opinion concerning the legal implications of the use of a term (to wit THINS) in the trademarks at issue to which Frank’s opinion presumably relates, that is CORN THINS and RICE THINS.

c. In the same boxed section, Frank provides a definition of “THINS” that has no legal or factual support. Assuming, *arguendo*, that “THINS” is a word that can be defined,

Frank's definition incorporates a wide variety of products without any legal foundation for including them. To the contrary, Frank frequently refers to and relies on his statement that "THINS" is not defined in any dictionary. Thus, in this boxed section, Frank purports to provide this definition himself but provides no legal underpinnings or factual basis to establish why his definition should be used in this proceeding.

- d. Frank incorrectly draws the legal conclusion that "THINS" is not a source indicator by itself. (Frank Report at p. 5.) He states that "THINS" must be accompanied by another term to distinguish one product from another. In fact, this is precisely what Real Foods has done – as have others in examples of validly registered marks given by Frank in his own Report. There cannot be one legal standard for Frank's client, Frito-Lay, and another for Real Foods. This inconsistency in application of a standard or principle in a legal context further demonstrates Frank's misunderstanding of legal concepts.
- e. Frank also appears to correlate the lack of a dictionary definition for the term "THINS" as a lack of understanding on the part of USPTO Examining Attorneys. In the Report, Frank notes that a USPTO Examining Attorney was unable to find a dictionary definition of "THINS" (Frank Report at p. 46). This, in itself, is evidence that the term cannot be considered generic. He goes on to opine that use of "THINS" as a verb is not proper English and, therefore, it is not referred to in the dictionary as a verb. (Frank Report at p. 47). (Even this is a fallacious claim since dictionaries do not provide conjugations of any verbs, and "THINS" is the third person singular form of the verb "thin" although it may not be widely used.) If, according to Frank, "THINS" is not an accepted verb because it is not in the dictionary, it must follow that "THIN" or "THINS" used as a noun is not a recognized word in the English language since it is not in the dictionary as a noun. That a word is "not recognized in the English language" and is not in the dictionary are hallmarks of good trademarks. Thus, it is problematic to accept Frank's later conclusion

that (contrary to USPTO practice) “THINS” must be disclaimed when it appears in a mark for certain food products (Frank Report at p. 48) since he has shown that it is not an accepted noun or verb in English.

- f. In sum, while Frank may be qualified in his field of trademark searching, he has neither the legal expertise nor the required credentials to render an opinion on the legal question of whether a term is generic or descriptive. Thus, his conclusions and opinions should not be relied on as providing competent legal interpretations of trademark law relating to descriptiveness, genericness and disclaimer practice. The rest of this Declaration will point out legal fallacies in the Frank Report that go to the substance of the case at hand and supports my conclusion that, contrary to Frank’s Report, the term THINS may carry a mark.

#### **Use of Trademarks in Third-Party Publications**

14. As noted, the Frank Report depends almost entirely on a search of the term “THINS”. However, he did not search “Corn Thins” or “Rice Thins” or indeed any other product name. Prior to his discussion of his “Research Procedures” for his “Newspaper Query: Thins”, he devotes an entire highlighted section of his Report, which is boxed for emphasis, on his exclusion of numerous references to the designation “Wheat Thins” from his search. (Frank Report at p. 21, “A Word About Wheat Thins”). However, Frank neglects to mention he did not search “Corn Thins.” Such a search is fatally flawed, in that these omissions in his searching result in a distorted presentation of the use of the designations in issue in this proceeding, namely CORN THINS or RICE THINS. In other words, there is more to be gleaned from what Frank did *not* search than what he *did* search.

15. I performed a search of “CORN THINS” using the Google® search engine. A copy of the generated search results are attached hereto as **Exhibit C**. Applying Frank’s own criteria concerning what constitutes a comprehensive review of references in a search result (Frank Report at pp. 27-29), I reviewed the first ten pages of the search result. There were 100 references to “corn

thins” presented in the ten pages reviewed. Of those 100 references, 78 referred to Real Foods’ goods. Of the remaining twenty-two, fourteen presented use of the phrase as a generic term at non-commercial sites, such as, recipe sites and health or nutritional analysis sites that are of little or no probative value (*see* discussion of Yummly.com below); three were ambiguous as to whether they were referring to Real Foods’ product or not; three appeared to be use of the term as a product identifier by other entities which, if in use in the United States, would go to infringement rather than descriptiveness or genericness; and I was unable to access the remaining two referenced sites. As an Examining Attorney, I would have been highly persuaded that these search results supported Real Foods’ use of CORN THINS as a source identifying trademark. I may have gone on to search “THINS” alone but, had I done so, I would have perceived that the disparate range of use of that term in the resulting references indicated that no consistent characterization of the term could be established through the search results. Thus, I would not have relied on a search of “THINS” to determine whether the term was descriptive or generic as applied to the goods in the application.

16. In conducting his Internet research, Frank searched only for the term “THINS”. Therefore, he would not have been aware of the highly significant consistency of use on the Internet of the term CORN THINS as a source identifier of Real Foods goods. In fact, the references that Frank did find for CORN THINS refer to Real Foods’ goods. (Frank Report at pp. 40, 58). This omission underscores the inadequacy of Frank’s Internet search results and analysis, betraying Frank’s lack of experience, understanding and knowledge of the legal process of determining whether a term presented for registration in the USPTO is possibly a generic or descriptive term.

17. In any event, in his Report, Frank relies heavily on use of “THINS” in various media publications as a non-proprietary term. However, this reliance is misplaced since the media rarely designates registered trademarks as they should be. Thus, use of CORN THINS, RICE THINS or any other registered mark as a generic or descriptive term in media publications carries little or no weight in determining whether those phrases are generic or descriptive under trademark law.

18. Frank has included excerpts from Wikipedia concerning THINS and WHEAT THINS. It should be noted that both of these records include warnings from Wikipedia® regarding the vetting of the information presented. To support the admissibility of these Wikipedia® records, Frank includes an excerpt from TMEP Section 710.01(b) that indicates that Wikipedia® evidence is admissible and may be considered by the TTAB. That section also indicates that “the weight given to this evidence must be carefully evaluated, because the source may be unknown.” And, indeed, that source may not be sophisticated as to designation of matter as a registered trademark. The same TMEP Section goes on to state:

With respect to evidence taken from the online Wikipedia® encyclopedia, at [www.wikipedia.org](http://www.wikipedia.org), the Board has noted that “[t]here are inherent problems regarding the reliability of Wikipedia entries because Wikipedia is a collaborative website that permits anyone to edit the entries,” and has stated as follows: [T]he Board will consider evidence taken from Wikipedia so long as the non-offering party has an opportunity to rebut that evidence by submitting other evidence that may call into question the accuracy of the particular Wikipedia information. Our consideration of Wikipedia evidence is with the recognition of the limitations inherent with Wikipedia (e.g., that anyone can edit it and submit intentionally false or erroneous information)....

As a collaborative online encyclopedia, Wikipedia is a secondary source of information or a compilation based on other sources. As recommended by the editors of Wikipedia, the information in a particular article should be corroborated. The better practice with respect to Wikipedia evidence is to corroborate the information with other reliable sources, including Wikipedia’s sources.

*In re IP Carrier Consulting Grp.*, 84 USPQ2d 1028, 1032-33 (TTAB 2007).

Given its inherent limitations, any information obtained from Wikipedia® should be treated as having limited probative value. If the examining attorney relies upon Wikipedia® evidence and makes it of record, then additional supportive and corroborative evidence from other sources should also be made of record, especially when issuing final actions.

19. Taking into account the language in the TMEP that was omitted in the Frank Report, the two excerpts from Wikipedia® that are included in Frank’s supporting material must be taken, as indicated in the TMEP, “as having limited probative value.”

20. Frank also has included in the body of his Report a number of recipes that include the term “THINS” from the website [www.yummly.com](http://www.yummly.com). (Frank Report at pp. 60-64.) However, this website also includes recipes that use Frito-Lay’s own marks in a generic manner, as set forth in the examples below:

[SEE NEXT PAGE]



## Johnny Jalapeno's Chicken Tortilla Soup

★★★★

10 min

Food.com

10 min

30 min

6 servings

### Ingredients

2 tbsps **vegetable oil**  
1 **onion** (medium, chopped)  
4 **garlic cloves** (minced)  
3 **chicken breasts** (cut up into small cubes)  
1/2 cup **chopped cilantro**  
6 **corn tortillas** (cut into wedges)  
4 cups **chicken stock**  
28 ozs **rotel tomatoes**  
7 ozs **chipotle chile**  
1 in **adobo**  
1 tbsp **jalapeno chilies** (chopped)  
1 **bay leaf**  
2 tbsps **ground cumin**  
1 tsp **chili powder** (to taste)  
1 tsp **black pepper** (to taste)  
1/2 tsp **cayenne pepper** (to taste)  
1/2 tsp **salt** (to taste)  
15 ozs **black beans** (drained and rinsed well)  
15 ozs **whole kernel corn, drain**  
1 cup **cooked rice** (optional)  
1 1/2 cups **shredded Monterey Jack cheese**  
1 **avocado** (sliced)  
1/2 cup **sour cream**  
**corn chips**  
**tostitos**





## Chicken Salsa Soup With Tostitos and Mozzarella Cheese!

★★★★

4.8 (100 reviews)

View Recipe

Food.com

PREP TIME

15 min

TOTAL TIME

45 min

SERVINGS

6 servings

### Ingredients

**2 boneless, skinless chicken breast** (or equivalent)

**1 1/2 cups salsa** (mild, medium, or hot, whatever you normally use to dip)

**1 1/2 cups corn** (fresh, frozen, or canned)

**1 onion** (medium)

**6 cups chicken stock** (or less if you are using bone in chicken)

**2 cups water**

**1 1/2 cups vegetables** (soft, ie, broccoli, bell peppers, mushrooms, etc)

**2 tbsps chili powder**

**1 garlic cloves** (chopped)

**260 grams tostitos scoops**

**2 cups mozzarella cheese**



## Tostitos Kakimochi



RECIPED BY

**Food.com**

PREP TIME

15 min

TOTAL TIME

1 hr

SERVINGS

8 servings

### Ingredients

20 ozs **corn tortilla chips** (small round tostitos, bite-sized)

3 tbsps **unsalted butter**

1/2 cup **light corn syrup**

1/2 cup **granulated sugar**

2 tbsps **soy sauce**

3 tbsps **black sesame seeds**



## Famous Chili Dip



RECIPE BY

**Food.com**

PREP TIME

5 min

TOTAL TIME

20 min

SERVINGS

8 servings

## Ingredients

8 ozs **cream cheese**

12 ozs **no-bean chili** (Hormel)

8 ozs **salsa** (mild, medium, or hot)

**shredded mozzarella cheese**

**tostitos scoops**



## Dorito Casserole



PREP/COOK

**Food.com**

TOTAL TIME

30 min

SERVINGS

8 servings

### Ingredients

**1 lb ground beef**

**1/2 lb reduced-fat cheese** (Velveeta, product)

**2 tbsps taco seasoning**

**16 ozs fatfree cream of chicken soup**

**16 ozs rotelle**

**6 ozs doritos** (plain)



## Doritos Casserole Ww



RECIPE BY

**Food.com**

PREP TIME

10 min

TOTAL TIME

55 min

SERVINGS

6 servings

### Ingredients

**1 lb lean ground beef**

**8 ozs reduced-fat cheese** (Velveeta, product)

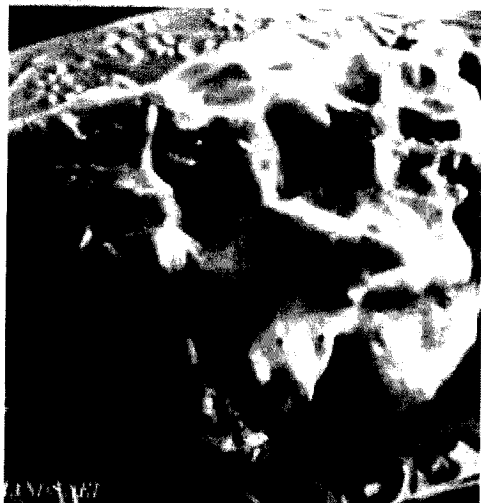
**10 ozs fatfree cream of chicken soup**

**12 ozs diced tomatoes** (Ro-Tel, with peppers)

**6 ozs doritos** (baked)

**2 tbsps taco seasoning mix**

**15 ozs refried beans** (fat-free, canned)



## Mexican Dorito Casserole

★★★★★

RECIPE BY

Jam Hands

added by Alan

TOTAL TIME

50 min

SERVINGS

6 servings

### Ingredients

2 cups **cooked chicken** (shredded)

1 cup **shredded cheese** (or more if you are a cheese hound)

1 can **cream of chicken soup**

1/2 cup **milk**

1/2 cup **sour cream**

1 can **tomatoes** (Ro-tel, canned tomatoes with jalepenos-mild)

1/2 packet **taco seasoning** (or more- to taste)

1 bag **doritos**



## Taco Salad

★★★★

RECIPE BY

**Cooking Cooking** added by Brenda

TOTAL TIME

15 min

SERVINGS

4 servings

### Ingredients

- 4 **tomatoes** (chopped)
- 1 **onion** (chopped, see note)
- 1 lb **ground beef** (cooked)
- 1 cup **shredded cheddar cheese**
- 1 bag **doritos** (crushed)
- 1 head **lettuce**
- 250 ml **salad dressing** (bottle Catalina)



## Frito Pie

★★★★★

45 min 1 hr

★ Homesick Texan

SEVING 100g

4 servings

### Ingredients

- 2 lbs **beef** (coarsely ground (you can ask your butcher to do this))
- 6 **ancho chile pepper** (stems and seeds removed)
- 2 **chiles** (morita, stems and seeds removed)
- 4 **chiles** (pequin)
- 1 **onion** (diced)
- 4 cloves **garlic** (minced)
- 1 **tbsp cumin** (plus more to taste)
- 1 **tsp oregano**
- 1/2 **tsp ground cloves**
- 1/2 **tsp ground cinnamon**
- 2 **tsps meal** (or masa harina (optional, but will thicken chili if needed))
- 1 **lime**
- black pepper** (salt and, to taste)
- salt** (and black pepper to taste)
- 1 **tbsp vegetable oil** (or bacon grease)
- 4 cups **fritos**
- 4 cups **chili** (one-hour)
- 1 cup **shredded cheddar cheese**
- 1/4 cup **diced onions**






## Chicken Frito Pie

★★★★

RECIPE BY

 Noble Pig

FOOD & DRINK

TOTAL TIME

1 hr 45 min

SERVINGS

4 servings

### Ingredients

3 **tbps vegetable oil**

1 1/2 **lbs boneless chicken skinless thigh** (cut into 1-1/2" pieces)

1 **yellow onion** (diced)

3 **garlic** (cloves, crushed)

1 **tbsp chili powder**

2 **cups chicken broth**

7 **ozs green chile** (chopped fire-roasted)

30 **ozs cannellini beans** (drained and rinsed)

2 1/2 **cups fritos** (divided)

2 **cups monterey jack** (grated)

21. As set forth above, such recipes include references to products sold under the marks Tostitos®, Doritos® and Fritos®. However, the trademarked terms are not capitalized or otherwise identified as either registered or common law trademarks.<sup>2</sup> In fact, the names are used interchangeably with common ingredient names; for example, in the recipe for “Tostitos Kakimochi” one of the ingredients identified is “corn tortilla chips” which is further defined parenthetically as “small round tostitos, bite-sized.” Thus “tostitos” are equated with the generic product category of tortilla chips. Also significantly, the recipe for Dorito Casserole includes the terms “Velveeta” (Reg. No. 0176615) and “Ro-Tel” (Reg. No. 0425347 for ROTEL), both of which are registered trademarks, with capitalization of the first letter of each term (that is, the V in Velveeta, and the R and T in Ro-Tel are capitalized). This suggests some sensitivity on the part of the contributor of this recipe with respect to the capitalization of terms that are trademarks (although that sensitivity is by no means commonplace on Yummly or other sites of its ilk). By the same token, this same recipe contributor identified “doritos” as an ingredient in the same fashion (in all lower case letters) he or she identified the generic ingredient names in this recipe. Accordingly, the use of Frito-Lay’s registered trademarks in this manner at the Yummly website indicates that any evidence of purportedly “generic” use of Real Foods’ – or any other trademark owner’s – marks at this site should be given little or no weight.

22. Furthermore, the recipes on Yummly identified by Frank do not actually use Real Foods’ marks CORN THINS or RICE THINS. Instead, they use the term THINS. And the way such recipes treat the designation “THINS” is of little consequence given the incorrect trademark usage pervasive throughout the yummlly.com website.

23. In addition, Frank relies heavily on references to the term “THINS” in third-party publications and presentations such as websites, magazines and newspapers. These references may be probative to a degree but their weight must be tempered by the trademark expertise – or lack

---

<sup>2</sup> For ease of reference, the terms in question are highlighted in yellow on the aforementioned recipes.

thereof – of the sources of these documents. The media is notorious in not properly using registered trademarks as they should. This can result in registered trademarks appearing to be generic terms. There are so many examples of this type of misuse throughout the third party showings included in the Frank Report that they cannot all be set forth here. Below, however, are some demonstrative examples of misuse of registered marks that is present in the media:

- ***Newspaper Articles #16, p. 99; #20, p. 103 – sandwich thins***

Words not capitalized and no designation as a registered mark. SANDWICH THINS, Reg. No. 3637950 – Principal Register, “sandwich” is disclaimed.

- ***Newspaper Articles #10, p. 93; #13, p. 96; #21, p. 104; #69, p. 154 – bagel thins***

Words not capitalized and no designation as a registered mark. BAGEL THINS, Reg. No. 425364 – Supplemental Register, “bagel” is disclaimed.

- ***Newspaper Article #23, p. 106 – baked potato thins***

Words not capitalized and no designation as a registered mark. BAKED POTATO THINS, Reg. No. 2883979 – Principal Register, “baked potato” is disclaimed, Section 8, 9 and 15 affidavits filed and accepted.

- ***Newspaper Article #64, p. 149 – nut thins***

Words not capitalized and no designation as a registered mark. NUT-THINS, Reg. No. 2143587 – Principal Register, Section 8, 9 and 15 affidavits accepted.

24. Granted, there are phrases that incorporate the word “THINS” used in these articles that are not registered in the USPTO but there can be many reasons why an enterprise does not pursue trademark registration of product names. Suffice it to say that many marks that are registered in the USPTO are not capitalized or otherwise designated as registered marks in media publications. Therefore, very little (if any) weight should be given to the probative value of these third party uses of the term “THIN” or “THINS” in registered and unregistered product designations.

### **Flaws in Frank's Search of USPTO Records and My Additional Searches**

25. Frank performed a number of searches of the records of the USPTO. However, as with his searches of the Internet and newspaper articles, there were relevant searches that he did not perform that have a significant bearing on the case at hand. Given that he has proclaimed himself to be a “master searcher”, one wonders why he did not conduct these searches.

26. Frank searched Class 30, the class in which both Frito-Lay's and Real Foods' goods fall. He did not, however, search Class 29, an international class that is highly related to and, in accordance with good USPTO practice, always searched when Class 30 is searched regarding any issue that merits a search of the Trademark Register. Like Class 30, Class 29 includes a wide range of food products and should always be searched when researching an issue concerning food items. The distinction between the two classes is very fine. For example, potato chips are classified in Class 29 while corn chips are in Class 30. This distinction is based the classification of the underlying main ingredient in each product, namely, processed potatoes in Class 29 and processed corn in Class 30. The two products are highly similar and are both used as ingredients in snack foods. Thus, searching only Class 30 was an inappropriate limitation of the search of the records of the USPTO.

27. Nor did Frank examine dead registrations or pending applications. Here, too, there is significance to be drawn from both of these categories of USPTO records. Restoring these omitted records, typing the word “THINS” in the mark field of the Trademark Office search system in Class 29 yields (as of October 30, 2014) seventy-four records with the term “THIN” or “THINS” in the marks. Many of these included “thin” as an adjective and the term was properly disclaimed as such. Others used “THINS” in conjunction with a word or words that did not refer to an ingredient in the product. These marks are inapposite to the case at hand since the use of THINS in conjunction with a word that refers to an ingredient of the goods is a salient feature of the Real Food marks and, thus, the Real Foods marks should be compared only to those that are structured in the same manner.

28. Eight records uncovered during this search are highly relevant to the case at hand but were not included in the Frank Report due to Frank's incomplete trademark search for "thins." The nine relevant records found in my search of Class 29 are as follows, none of which disclaim "THINS":

- Reg. No. 4144045 – PB THINS for nut-based snack foods – PB disclaimed;
- Reg. No. 4144043 – PB THINS PEANUT BUTTER CRACKERS for nut-based snack foods – PB and PEANUT BUTTER CRACKERS disclaimed;
- Reg. No. 2883979 – BAKED POTATO THINS for potato-based snack foods, namely potato crisps – BAKED POTATO disclaimed (Sections 8, 9 and 15 affidavits filed and accepted);
- Reg. No. 3044541 – SOY THINS for soy-based snack foods – SOY disclaimed (registration cancelled for failure to file a Section 8 affidavit);
- SN 76149548 – SOY THINS for soy-based snack foods – SOY disclaimed (application abandoned after publication for failure to file a Statement of Use or Extension of Time);
- Reg. No. 1925625 – PINEAPPLE THINS for processed pineapple – PINEAPPLE disclaimed (registration cancelled for failure to file a Section 8 affidavit);
- SN 76137935 – CAPE COD THINS for potato chips – 2(f) as to CAPE COD (application abandoned after publication for failure to file a Statement of Use or Extension of Time); and
- SN 86186896 – CHEESE THINS for crispy savory snacks consisting primarily of cheese – held descriptive. This application is being handled by the same examining attorney as COOKIE THINS (SNs 86303697 and 86161729) that is referred to in the Frank Report. See discussion below concerning aberrant treatment of "THINS" by this Examining Attorney.

29. Frank also failed to search the term “THINS” in the goods and services field of the search database in either Class 29 or Class 30. This search is highly relevant to the case at hand since extensive use of “THINS” in the goods and services field would indicate use of “THINS” as a generic term or the common commercial name of the goods, both of which would prohibit its inclusion in a registered mark without a disclaimer. A search of “THINS” in Class 29 revealed one application, now abandoned, in which “THINS” was used in the identification of goods and was not questioned by the Examining Attorney. It should be noted that the Examining Attorney did not question the terms “zip”, “nips” and other terms that were dubiously being used as generic food terminology, both of which are questionable as generic or common commercial name designations. There were no other instances in which “THINS” was used as a generic term in the identification of goods in Class 29.

30. In Class 30, “THINS” was used in the identification of goods in two instances. First, in SN 86203865, the Examining Attorney questioned the use of the term, “chickpea thins” in the applicant’s original identification of goods and suggested changing the phrase to “thin chickpea crackers” and this was done by the Applicant. Thus, the term no longer appears in that record in the goods and services field. Also, in Class 30, SNs 74093576 and 74105031 included the term “pretzel thins” in its identification of goods. These applications were held abandoned because no Statement of Use or Extension Request was filed. In the interest of full disclosure, the same entity that owned these two abandoned applications also owns Reg. No. 1152556 that registered in 1981 and also includes the term “pretzel thins” in the identification of goods. However, the references discussed in this paragraph appear to be the only occurrences of “THINS” used in identifications of goods in Class 30 as a generic term and one of them is not currently in the identification of goods.

31. Frank also did not search the term “THINS” in the USPTO’s Acceptable Identification of Goods and Services Manual (the “Manual”). All terms included in the Manual must be generic terms or common commercial names of goods. The Manual has existed since the mid-

1980's. New items are suggested constantly by sources both internal and external to the USPTO. As the editor of the Manual for over 20 years, it was my practice that each proposed item for inclusion in the Manual be closely examined to be sure that it was not a registered trademark and was, indeed, a generic term or common commercial name of the goods or services designation. The importance of this scrutiny has been instilled by me and my successor into all those who review proposed entries into the Manual. The fact that in the approximate thirty years of its existence, the term "THINS" has never been included in the Manual is strong evidence that the term is not recognized as a generic term or common commercial name of goods.

32. Frank did search Class 30 for the term "THIN" or "THINS" in the marks registered or presented for registration. He found that of the 242 records retrieved by this search, seventy-two of them were live registrations of two-word marks that incorporated the word "THINS" and, in his opinion, merited further consideration. But Frank further limited the number he reviewed by disregarding records that had the word "THIN" (as opposed to "THINS") in the mark and those application records that had not matured into registrations that were still alive. That left Frank with only twenty-six records to review. However, only two of those registrations had disclaimers of the term "THINS" – CANTINA THINS and BLUE THINS. These two registrations are distinguished below. How Frank can come to the conclusion that this evidence supports a requirement to disclaim "THINS" in Real Food's marks is a mystery. If less than 10% of the records he reviewed required disclaimer of "THINS", it is hard to understand how this constitutes an overwhelming precedent that would require disclaimer of the term in future applications. If any conclusion is to be drawn from these results, it is that the predominant practice and precedent is not to disclaim the term in marks such as those of Real Food. By not reviewing the dead registrations and pending applications that include the term "THINS", Frank failed to discover factors that are critical to this case.

33. For example, the marks CORN THINS (Reg. No. 3931827) and RICE THINS (Reg. No. 3931828) were registered in 2011 to SunFoods, LLC ("SunFoods"). In a first Office Action, the

Examining Attorney assigned to the applications for these marks held them descriptive in their entirety. In a well-reasoned response, counsel for SunFoods set forth reasons why only “corn” and “rice” should be disclaimed. The Examining Attorney accepted the arguments and the marks went on to register with disclaimers of “THINS”. Later, the SunFoods registrations were cited as bars to Real Foods’ pending applications that are at issue in the present Opposition. Real Foods brought Cancellation Proceedings against both of these registrations claiming prior use as a ground for cancellation. SunFoods did not answer Real Foods’ Petition to Cancel and the marks were duly cancelled by default. Now, it is difficult to understand how Frito-Lay can prevail in this Opposition against Real Foods when there is direct precedential history that supports the USPTO requiring only disclaimers of “corn” and “rice” in the registrations of SunFoods that were cancelled for reasons other than the nature of the mark. However, these salient points were not brought out in the Frank Report since he did not review registered marks that were not “live”.

34. My analysis is further corroborated by the examinations of applications filed by Real Foods and assigned SNs 86378052 and 86378053 for the marks CORN THINS and RICE THINS, respectively. The Examining Attorney in these cases also did not require the disclaimers of “THINS”, and required only the disclaimer of “corn” and “rice”. Thus, on no fewer than six occasions during examination of marks identical to those in issue in this proceeding (during the examination of the two, applications in issue, the two Sun Foods applications, and the two more recently filed Real Foods’ CORN THINS and RICE THINS applications), three different Examining Attorneys at the USPTO have not required a disclaimer of “THINS.”

35. Frank also fails to discuss the seminal “THINS” registration – WHEAT THINS (Reg. No. 1022799). Undoubtedly, he must have seen this registration in his review. WHEAT THINS with “wheat” disclaimed has been a registered mark since 1975 and is still a live registration. Given the predominant number of marks that include the word “THINS” with the term preceding “THINS” disclaimed, it appears that the WHEAT THINS registration is the one that established this practice in



the USPTO and should continue to be followed. Notably, there was a registration preceding WHEAT THINS. TATER THINS (Reg. No. 862474) registered in 1968 with a disclaimer of “tater.” The mark expired but it is my well-considered opinion based on my years in the USPTO that both the early TATER THINS and WHEAT THINS registrations set the precedent for the dominant disclaimer practice for marks such as these in the USPTO, that is, the highly descriptive word, usually a reference to an ingredient in the product, that precedes “THINS” is disclaimed, but that the mark is registrable nonetheless, with THINS “carrying” the registrability of the mark. However, Frank did not include references to either of these early registrations in his Report.

36. Frank also fails to point out that the few registrations and pending applications that incorporate either an actual or required disclaimer of the word “THINS” preceded by an ingredient indicator for the goods involve goods that, in fact, can be thinly cut, such as cookies and cheese in the pending applications for COOKIE THINS and CHEESE THINS. The requirement to disclaim “THINS” or hold the entire mark descriptive in the case of RICE THINS and CORN THINS becomes even more incongruous since rice and corn are not items that can be thinly cut, if indeed they can be cut at all. Again, Frank’s lack of understanding of the nuances of descriptive and generic characteristics of marks becomes apparent in this instance. For a mark to be descriptive in its entirety, it must make sense in its entirety. In this case, it must make sense that corn or rice can be cut thinly. Since they cannot, the combination of the terms in these marks is incongruous and, therefore, registrable with a disclaimer of the word “corn” or “rice” only.

#### **USPTO Practice**

37. Frank comments extensively on practice in the USPTO by the Examining Attorneys. His discussion and analysis of this practice further demonstrates his lack of understanding of the job of Examining Attorneys and the importance of precedent in determining issues such as genericness and descriptiveness.

38. Frank points out that, of the marks incorporating the word “THINS” that he found in his search of Class 30, almost every application required disclaimer of the word before “thins.” It is not clear why Frank emphasized this point in his Report since it reinforces the Real Foods’ position and undermines that of Frito-Lay. It is true that in some more recent applications, Examining Attorneys have required a disclaimer of the word “THINS” or held the entire mark descriptive under Section 2(e)(1) of the Trademark Act. However, Examiners predominantly require only the disclaimer of the word that precedes “thins.” Two instances that Frank points to in which “THINS” was disclaimed are in the marks CANTINA THINS (Reg. No. 4566507) and BLUE THINS (Reg. No. 3870613). (The owner of CANTINA THINS also owns SN 86284840 for the mark CELEBRATE CANTINA THINS in which “THINS” is disclaimed. This application published for opposition on October 28, 2014.) These disclaimers can be distinguished from the treatment of “THINS” in other applications and registrations. Neither “cantina” nor “blue” has relevance in regard to cookies, biscuits, crackers or chips. It is quite possible that the Examining Attorneys handling these applications felt that, without a descriptive word preceding it, “THINS” could be construed as describing an aspect of the goods and took the conservative step of disclaiming the word in the mark that might be considered descriptive. However, these are distinguishable departures from the majority of marks that include the word “THINS” in which “THINS” is not disclaimed and the generic or descriptive word that precedes it is, which, of course, are far more analogous to the situation at hand than the two cases Frank discusses.

39. Frank is quite dismissive of the expertise of Examining Attorneys and indeed of the USPTO generally. It should be noted that the work of the Examining Attorneys is reviewed on many levels. A number of Office Actions are reviewed by the Managing Attorneys of each law office in order to determine the quality of an Examining Attorney’s work for purposes of his or her annual achievement review. The Official Gazette is reviewed prior to publication to assure that all aspects of the entire record presented in the Official Gazette that are germane to the registrability of the

marks to be published have been satisfied acceptably. Also, the Office of Quality Review reviews cases pulled at random to review the quality of the work done in those cases. The purpose of the review by the Office of Quality Review is to identify issues that are being presented in applications that may require clarification and further training of the Examining Corps to assure proper and consistent handling of those issues by the Examining Attorneys. With the extent of review done by the Trademark Office, if it was seen that “THINS” was being mishandled by Examining Attorneys, this would have emerged and steps would have been taken to correct that mishandling. Since there is no evidence of such steps having been taken, it must be concluded that this has not been perceived as an issue that required redress by Trademark Management.

40. Frank also points to the treatment of COOKIE THINS in SN 86161729 and COOKIE THINS and design in SN 86303697 in which the Examining Attorneys held the marks (or the word portion of the mark in SN 86303697) descriptive. Besides referring to many of the Internet references whose probative value this Declaration has called into question, the Examining Attorney assigned to SN 86161729 relies on a dictionary definition of the adjective “thin” to support her refusal of the mark<sup>3</sup>. This further supports Frank’s statement that because there is no dictionary definition of the word “THINS”, it is a “new word” (Frank Report at p. 47). As pointed out in this Declaration (see above at p. 6), a word that is not in the dictionary is a hallmark of a good trademark. So it is not understood why, on the very next page of the Frank Report (*Id.* at p. 48), Frank quotes the Examining Attorney’s Office Action, almost in its entirety, with approval even though he makes the point that “THINS” is not defined in the dictionary. Again, given the preponderance of the way the term “THINS” is treated in the great majority of other marks that include the term “THINS”, the Examining Attorneys’ determinations in a small handful of cases must be taken as erroneous.

---

<sup>3</sup> The Examining Attorney assigned to SN 86303697 similarly issued a non-final office action based on descriptiveness, including among the cited evidence, a dictionary definition of the adjective “thin.”

41. There are some other statements in the Frank Report that call into question his knowledge and understanding of the examination process in the USPTO. These misunderstandings have impacted the conclusions he has drawn in his Report or result in findings that are irrelevant to the legal questions presented by this case.

42. For example, Frank states that in many of the Office Actions in which disclaimers were required of the words preceding “THINS”, “the wording in in [sic] the Office Action was nearly identical to that shown in the following Office actions”. (Frank Report at p. 43.) He then goes on to reproduce a number of Office Actions in which, indeed, the same language is used to communicate to the applicant that a disclaimer is required. Simply because the Examining Attorneys used some of the same language does not give rise to a valid basis on which to call into question the determinations of the Examining Attorneys assigned to these applications. Similar language will be found in many, many Office Actions because the Examining Attorneys use a system of form paragraphs in preparing their Office Actions. Examining Attorneys are required to handle well over 1000 applications per year in order to achieve a favorable evaluation at the end of the year. Since many applications present the same legal issues, the USPTO has developed an extensive library of form paragraphs that the Examining Attorneys are encouraged to use. These form paragraphs are well-researched by the legal staff of the Commissioner for Trademarks. Without form paragraphs, the USPTO could not provide the speed and accuracy of service for which its trademark operation has become known. Thus, Frank’s negative characterization of this aspect of Examining Attorney practice is thoroughly misplaced.

43. Further, in Frank’s discussion of disclaimers of the word preceding the term “THINS”, he states that the practice of Examining Attorneys not also requiring disclaimer of “THINS”, in his words: “show(s) a lack of understanding of all the words in a trademark application. If the Examining Attorney understood what THINS were they would also require a disclaimer for THINS”. (Frank Report at p. 45.) Not only is this statement condescending and without any factual

basis, it reveals once again Frank's unfamiliarity with the job of the Examining Attorney and the training that all Examining Attorneys receive in the USPTO. I did the job of Examining Attorney for over four years and the job of Senior Attorney for another four, went through the training course required of all new Examining Attorneys and, later, taught sections of that training course. A constant throughout the job and the training for the job of Examining Attorney is the concept that a mark is to be considered as a whole. All parts – words and design – of a mark are significant and merit equal examination effort. Examining Attorneys do extensive research with respect to the subject matter of the applications they are assigned to examine. Part of that research is a review of precedent on the Trademark Register. Since it has been pointed out repeatedly in this Declaration that the preponderance of treatment of the term “THINS” is not to disclaim that term but rather to disclaim the term that precedes it in marks analogous to those of Real Foods’ in issue in this proceeding, it is understandable that Examining Attorneys follow this well-established precedent rather than follow the few examples of applications or registrations in which the term “THINS” is disclaimed.

### **CONCLUSION**

44. The term “THINS” as used in Real Foods’ marks, CORN THINS and RICE THINS, does not render the entire mark unregistrable as a generic or descriptive phrase. The term is not defined in the dictionary, it is not included in the Identification of Goods and Services Manual, it is not disclaimed in the preponderance of registrations and applications that incorporate the term, and, except for a very few aberrant instances, it is not used to identify goods in Classes 29 or 30 in applications and registrations in the USPTO. Evidence of third party “generic” use of the term “THINS” should be given very little weight since the media uses appropriate designations of registered marks rarely, if at all. The proper treatment of Real Foods’ marks is as they currently exist, that is, with disclaimers of “corn” and “rice”.

45. Frank's conclusions and opinions as presented in his Report should be given little weight. He is not a trademark attorney, nor is he experienced in the legal analysis of descriptiveness and genericness. Much of the evidence he has provided supports Real Foods' position as much or more than Frito-Lay's. His questioning of the competency of Examining Attorneys in the USPTO and his lack of understanding of legal practice and administrative procedure in the USPTO also render dubious any conclusions he has drawn in these areas.

46. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of January, 2015 in Great Falls, VA

A handwritten signature in black ink, appearing to read "J. Roberts", written over a horizontal line.

Jessie N. Roberts, J.D.

# **EXHIBIT A**

**Report of Robert M. Frank, Ph. D.**

Frito-Lay North America, Inc.

v.

Real Foods Pty Ltd,

Consolidated Opposition Nos. 91212680 and  
91213587

Before the Trademark Trial and Appeal Board  
Involving Serial Nos. 85820051 (RICE THINS) and  
79111074 (CORN THINS).



## Table of Contents

Introduction.....	3
Compensation .....	4
Summary of Key Findings .....	5
Opinion 1 .....	5
Opinion 2 .....	5
Opinion 3 .....	5
Overview:.....	6
Background and Qualifications: Robert M. Frank.....	7
Education: .....	7
Employment:.....	7
Academic Experience: .....	7
Business Experience: .....	8
Trademark Searching:.....	9
Awards and Honors: .....	11
Involvement with INTA: .....	12
Summary:.....	14
Research Procedures: Overview .....	14
Public Library databases as Reliable Sources of Information: .....	15
Internet-based Research: .....	17
Admissibility Before the USPTO of Evidence Obtained from Online Sources: .....	18

Admissibility Before the USPTO of Evidence Obtained from the Internet: .....	20
Research Procedures: Newspaper Query: THINS (Exhibit B).....	21
Research Procedures: Magazine Query: THINS (Exhibit C).....	24
Research Procedures: USPTO trademark Query: THINS (Exhibit E) .....	27
Research Results: Internet Query: THINS (Exhibit F).....	27
Analysis of Newspaper Research.....	29
Analysis of Magazine Research.....	36
Analysis of USPTO Trademark Records Research .....	42
To disclaim or not to disclaim?.....	42
Adding an "s" Doesn't Always Just Make a Word Plural .....	45
Analysis of Internet Research .....	52
Showing Genericness: How Many and From Where?.....	54
Summary, Conclusions and Opinions.....	64
Opinion 1 .....	68
Opinion 2 .....	68
Opinion 3 .....	68

## **Introduction**

Pursuant to Federal Rule of Civil Procedure 26(a)(2), I, Robert M. Frank, Ph.D., have been retained by counsel for the opposer Frito-Lay North America, Inc. ("Opposer" or "Frito-Lay") to conduct research and render expert opinions relating to the Opposer's claims that the word "THINS" is a generic term used by the food industry, consumers and the media to describe thinly sliced or thin-shaped food products. The following is a report of my qualifications, research methods and sources, the data and information considered, relevant exhibits, my findings and conclusions as well as my compensation paid for this matter.

I reserve the right to amend or supplement this report, if and when additional information is acquired prior to the trial of this action.

I am and have been the owner, President and Founder of Illuminor LLC ("Illuminor"), whose office is located at 4450 South Park Avenue, #1616, Chevy Chase, MD 20815. I founded Illuminor in 2005. Illuminor specializes in research, consulting and expert witness testimony with respect to trademark matters. I have been retained in matters where the questions addressed have centered on dilution, genericness, descriptiveness, fame, trade dress and product configurations. I have provided research and reports for cases in several federal jurisdictions, the U.S. Patent and Trademark Office (USPTO) and in trademark office matters in Israel, Hong Kong and China. My reports have never been excluded.

Illuminor was retained by counsel for the Opposer to conduct research and prepare an Expert's Report regarding certain aspects of the Opposer's Notices of Opposition. Specifically, I

researched and will be addressing the following portions of the Opposer's Notices of Opposition. (The numbers preceding each segment is the paragraph number from the Opposer's Notices of Opposition. If the letter "R" follows the number then that paragraph was found in the RICE THINS Amended Notice of Opposition. If the letter "C" follows the number then that paragraph was found in the CORN THINS Notice of Opposition.)

- |          |   |
|----------|---|
| 8R, 8C   | The word THINS is a very common word used by the public and other food manufacturers to describe thinly sliced or thin-shaped food products.  |
| 7R, 7C   | The word THINS is a generic term for crispbread slices, crackers and related goods.   |
| 10R, 10C | Applicant's alleged mark RICE [CORN] THINS, created by joining the individually generic words RICE [CORN] and THINS, immediately and unequivocally describes the purpose, function, and nature of Applicant's goods. The compound term RICE [CORN] THINS merely combines the primary ingredient of Applicant's goods with their shape.  |
| 11R, 11C | Joining the individual generic words RICE [CORN] and THINS into one compound term lends no additional meaning to the term RICE [CORN] THINS. Instead, the separate generic words RICE [CORN] and THINS retain their generic significance when joined to form a compound term that has a meaning identical to the meaning common usage would ascribe to those words as a compound. |
| 16R, 16C | Applicant's alleged mark consists of a combination of two descriptive words that does not evoke a new and unique commercial impression. The component words, RICE [CORN] and THINS, each retain their descriptive significance in relation to the goods, so the combination results in a composite that is itself descriptive.  |

#### **Compensation**

Opposer is compensating me at the hourly rate of \$415 plus expenses.

### **Summary of Key Findings**

The following are the key findings from my research.

#### *Opinion 1*

The word THINS is a very commonly used term within the broad category of baked goods that are often referred to as snack foods. The word THINS is used by competitors of the Applicant, the general public and members of the media to describe thinly sliced or thin-shaped snack foods such as crackers, cookies, wafers, biscuits, crispbreads, crispbread slices, or crisps.

#### *Opinion 2*

From the perspective of a professional trademark researcher, THINS is a generic /weak term that describes thinly sliced or thin-shaped snack foods such as crackers, cookies, wafers, biscuits, crispbreads, crispbread slices, or crisps. The word THINS describes one or more of the unique features of these baked goods and helps differentiate these baked goods from other categories of baked goods such as bread, rolls or buns.

#### *Opinion 3*

The word THINS when used for snack foods such as crackers, cookies, wafers, biscuits, crispbreads, crispbread slices, or crisps does not indicate the origin or source of the snack food item. Additional terms (such as WHEAT, ALMOND, or POTATO) must be added to THINS to differentiate one THINS product from another. The word THINS by itself is no more of an indicator of source than would be other baked goods terms such as bread, rolls, cupcake or cracker.

**Overview:**

To prepare this report I reviewed the following:

- The Notices of Opposition filed against Applications numbered 85820051 and 79111074.
- The Applicant's Answer and Amended Notices of Opposition and Affirmative Defenses filed in response to the Notices of Opposition.
- Records of trademarks on file at the U.S. Patent and Trademark Office (available to the public from the web site <http://www.uspto.gov>).
- Information publicly available on the Internet .
- Information publicly available through online databases accessible through local libraries such as the public online databases available through the Montgomery County (Maryland) Public Libraries available at <http://montgomerycountymd.libguides.com/articles>.
- Articles found at [thettablog.blogspot.com](http://thettablog.blogspot.com)
- Visitations to retail stores (such as grocery stores, "big box" retailers and convenience stores) in the Washington, DC / Western Maryland and Northern Virginia that sell snackfoods.
- This report will:
  1. Detail my background, education and experiences that qualify me to conduct such research and prepare this report;

2. Describe my research procedures; and
3. Describe my findings and opinions.

**Background and Qualifications: Robert M. Frank**

*Education:*

I received my Bachelor's Degree from the University of Missouri-Columbia College of Education in 1974. I received my Master's Degree from the same institution in 1975 and I received my Ph. D. from the University of Missouri-Columbia in 1979.

My doctoral degree was granted by the College of Education where my primary area of study was Social Science Education with minors in Statistics and Research Methodology, Curriculum and Instruction (with an emphasis on Educational Technology) and Psychology.

*Employment:*

**Academic Experience:**

After completing my Ph.D. I became employed, in July 1979, at the Cornell Institute for Occupational Education (CIOE) located at Cornell University in Ithaca, New York. Initially employed as a Research Associate / Assistant Professor, within eighteen months of beginning at CIOE I was promoted to the position of Project Director for the Instruction Support System for Occupational Education (ISSOE). ISSOE was a multi project, multi-year, multi-million dollar research program funded by the New York State Education Department. As a result of budget reductions at the Federal level, funding for this research was curtailed in 1981 and the ISSOE project was closed. I then became the Assistant to the President and Director of Institutional Research at Tompkins-Cortland Community College (TC3) located in nearby Dryden, New York. I remained at TC3 until early 1983.

While at TC3 I also was employed as an adjunct professor of statistics and research methodologies at Ithaca College located in Ithaca, New York.

**Business Experience:**

In 1983 I left academia for the business world. I started a company in New York City named CORSEARCH®. Initially, CORSEARCH was formed to provide **Lexis®** and **Westlaw®** searches for small to medium sized law firms who did not have access to these systems due to their high cost and specialized training requirements.

In 1985 I transformed CORSEARCH from a case law research company into an intellectual property research firm that specialized in the research needs of trademark practitioners. Over the next 11 years, I grew the business from 5 employees to nearly 100. When I sold CORSEARCH, in 1996, the company was completing nearly 20,000 trademark searches per year for clients who were mainly Fortune 500® companies or their outside counsel. Our corporate clients included:

The New York Times	AT&T	Apple Computer	Electronic Arts
Hearst Publications	Sony	SUN Microsystems	Burger King
Ford Motor Company	Pillsbury	Schwinn Bicycle	Kraft Foods
General Motors	Revlon	Pacific Telesys	Coca-Cola

Our law firm clients included Rudnick & Wolfe, Gray Cary Ware and Freidenrich (both firms now part of DLA Piper), Kalish and Gilster (now part of Husch Blackwell), Blakley Sokoloff Taylor & Zaffman, King and Spalding, Heller Ehrman, Fross Zelnick Lehman & Zizzu, Fenwick and West and Finnegan Henderson, Farabow, Garrett & Dunner.



*Trademark Searching:*

There are several reasons why someone may wish to have a trademark search conducted including availability for use, registerability and distinctiveness. A skilled trademark researcher will consider several factors when designing and conducting a search including corrupted or alternative spellings of the proposed name (i.e., searching for Genesys or Jenesys when the proposed mark is Genesis) and marks registered or used in association with similar or related goods and /or services. A skilled "master" trademark researcher will conduct an exhaustive search of the mark in order to provide the client with the most comprehensive report possible while, at the same time, often not knowing the purpose of the search. A master trademark researcher must thoroughly understand legal concepts such as "likelihood of confusion", "protection", "trade dress", "dilution", "genericness" and "descriptiveness" as applied to trademark law. In addition they must understand that some marks, such as arbitrary or fanciful marks, are "stronger" than other marks, such as suggestive or descriptive marks. If a mark appears to be suggestive or descriptive, the researcher will need to consider whether there are similar words or terms that invoke a parallel suggestion or description. Finally, they must also understand that some marks are generic and therefore are legally incapable of serving as a trademark.

During my 15 years as CEO and President of CORSEARCH I developed our trademark research service, personally trained over 50 trademark researchers (many who became "Master" searchers) and developed a structured classroom experience that was used for training at least another 100 researchers. When CORSEARCH first began conducting trademark searches I not only trained researchers but I also completed comprehensive U.S. trademark

searches. From the period of 1986 until 1990 I generally completed about 50 searches per month and I estimate that I personally conducted over 5,000 full U.S. trademark searches while I was at CORSEARCH. Some of these searches were major product launch marks such as Fruitopia®, a product marketed by Coca-Cola® or Special Additions for Haagen-Dazs®.

Almost all trademark search reports are “likelihood of confusion” reports. Consequently, the trademark researcher must have a solid foundation in trademark law and a comprehensive understanding of trademark lexicon (such as “likelihood of confusion”, “dilution”, “generic”, “suggestive” and “descriptive”) in order to successfully complete a trademark search report. I could not have satisfactorily completed thousands of trademark search reports, train other researchers or grow CORSEARCH to become the second largest trademark research firm in the world without a thorough understanding of trademark law and its underlying principle of “likelihood of confusion” which is the test for determining trademark infringement.

From 1985 through May 1998, I personally developed and updated the training program and training manuals used by all researchers at CORSEARCH. In addition, on the average I would spend three afternoons per week reviewing reports that were being completed that day for our clients. I estimate that I personally reviewed at least 45,000 trademark searches while at CORSEARCH.

I have personally designed, developed, configured, maintained, and used proprietary databases specifically designed for searching and retrieving information related to trademarks.

Since 1985 I have attended over 40 seminars, conferences and workshops (many eligible for CLE credit for attorneys) on issues related to trademarks such as *Policing Trademarks on the Internet* (March 2, 2007), *Surveys in Trademark Prosecution and Litigation*, (January 29, 2009),

and *Interpreting U.S. Full Clearance and Availability Search Reports and Results* (May 25, 2010), all of which were sponsored by the International Trademark Association (INTA). I have been a member of INTA since 1985 and have chaired or co-chaired committees, task forces and teams on behalf of INTA. Continuing education sessions that I have attended and which were not sponsored by INTA were generally arranged by organizations such as the Bar Association of the City of New York, the New York State Bar Association, The Dallas Bar Association, or the New Jersey Bar Association. I currently serve on the INTA Famous and Well-Known Marks Committee and am Chair of that committee's Data Trends and Analysis Task Force. For the prior four years I served on the INTA Internet Committee and the Online Trademark Use Subcommittee. In addition, I also served on the INTA Internet Fraud Working Group. In May, 2011, I was an organizer and speaker at a seminar titled "Using the Internet and Online Databases in Likelihood of Confusion, Generic, Descriptive or Dilution Cases", at the Annual Meeting of the International Trademark Association.

*Awards and Honors:*

As a result of my application of statistics, research, and teaching to a business environment I have received several awards and honors from the University of Missouri. These include:

- Outstanding Achievement Award for Significant Contributions to His Profession, University of Missouri-Columbia College of Education Alumni Association, 1998.
- Outstanding Achievement Award for Contributions to Excellence in His Profession, University of Missouri-Columbia College of Education Alumni Association, 2006.

- Dean's Award for Innovative Uses of Technology in Education And Research, University of Missouri-St. Louis College of Education, 2006.
- Honorary Doctorate of Humane Letters, University of Missouri St. Louis College of Education, 2006.

*Involvement with INTA:*

As a result of my achievements in improving the practice of trademark searching I was asked to become a member of the International Trademark Association's (INTA) U.S. Patent and Trademark Office ("USPTO") Automation Committee. I accepted the position and within a year was co-chair of the committee. In this position, I traveled to Washington, D.C. almost once a week for meetings at the USPTO. I provided guidance and advice to personnel at the USPTO as to how trademark databases can be made searchable over a network such as the Internet. I also provided guidance and advice to USPTO personnel regarding the best ways to integrate the elements of an electronic trademark filing system so as to properly add the new data to the existing database. The results of over 5 years of assistance to the USPTO can be seen today on the PTO's web site in the form of their search system and its integration to their TRAM (Trademark Reporting and Monitoring) and TESS (Trademark Electronic Search System) programs.

In the early 1990s I was again contacted by the International Trademark Association and asked to provide assistance in connection with another significant matter: the conflict between trademarks and domain names. The trademark community was fearful that trademark rights were going to be diminished in this new frontier. I was asked to co-chair the Association's

Internet Domain Names Task Force with David Maher, a highly respected attorney in Chicago with the firm Sonnenschein, Nath and Rosenthal.

Over the next several years, Mr. Maher and I gave presentations around the world on the issues arising in connection with conflicts between Internet domain names and trademarks. We worked closely with members of the Internet Assigned Numbers Authority, the Internet Society, the US State Department, the US Congress, the World Intellectual Property Organization and the International Telecommunications Union to develop standards, regulations and policies regarding the Internet.

Because of the innovations and contributions that CORSEARCH made to the trademark searching industry I was asked to become a founding member and a member of the Board of Governors of the International Trademark Association's Brand Names Education Foundation (BNEF). I served as a member of the Board of Governors of BNEF from its formation until 1998.

Since 1998 I have served in the following volunteer positions with the International Trademark Association.

- Member, INTA *Famous and Well-Known Marks Committee*, 2012-2014;
- Chair, *Famous and Well Known Marks Data and Trend Analysis Task Force*, 2012-2014
- Member, INTA *Internet Committee, Online Trademark Use Subcommittee*, 2010-2012
- Member, INTA *Internet Committee, Online Trademark Use Subcommittee*,
- Chair, *Internet Fraud Working Group*, 2010-2012
- Member, INTA *Internet Registration Practice and DNS Administration Subcommittee*, 2007-2010

Finally, a listing of all matters in which I have been retained to provide research, consulting or expert witness services during the last four years is included in my resume which is provided as Exhibit A to this report. Matters on which I am currently working and which my retention has not yet been publicly disclosed are not included.

*Summary:*

Based on the experiences gained during my fifteen years as President of CORSEARCH, my undergraduate and graduate education, the knowledge, experience, and education gained during the previous nine years where I have provided research and expert witness services for more than 30 trademark disputes, I believe I am qualified to provide testimony on issues regarding genericness, dilution, likelihood of confusion, descriptiveness and am especially trained and educated on issues concerning analysis of trademarks. I therefore believe I am competent to testify as to the matters contained herein.

**Research Procedures: Overview**

I began my research for this project on August 5, 2014 and completed the research and the preparation of this report on September 24, 2014.

My first step in conducting research for this project was to read various documents that have been filed with the U.S. Patent and Trademark Office with respect to these oppositions. I next conducted research on the online news services available through the local public library. After completing that research I conducted research on the U.S. Patent and Trademark Office's web site. Finally I completed research on the Internet.

Upon completion of the described research I developed an outline of key components of the matter and prepared this report.

*Public Library databases as Reliable Sources of Information:*

To identify instances where a mark was mentioned in magazines, newspapers and trade journals or industry publications, Illuminor uses an information services available to the general public through local libraries. Prior to November 2013, many of the sources that are currently searchable through public library online services were available through a proprietary, subscription-based online system known as Dialog. Dialog was a primary source of common-law information for trademark research reports conducted by leading trademark research firms such as CORSEARCH and had been consistently been found to be a reliable source of information for trademark research and trademark attorneys. Illuminor had used the Dialog system from its inception until November 2013. However, in 2013 the Dialog system was closed. Not all the information available on Dialog had previously been made available to the public through online services at libraries but many of the sources for newspaper and magazine articles had been made available through library systems. For this project the magazine and newspaper sources available through the online public library system in Montgomery County, Maryland were searched.

The purpose of conducting research through online sources such as those available through the public library is to determine the scope of coverage and the amount of print media attention that references a particular word or phrase in a particular context. By thoroughly researching online sources, a trademark searcher is able to ascertain the type, amount and

frequency of exposure that a particular word or phrase would have to the members of the public who obtain information from print sources such as magazines, newspapers, trade journals, product evaluations or press releases.

The library online systems contain article abstracts and full-text versions of many articles. Over the past thirty years I have personally tested the accuracy of the online newspaper and magazine article sources and have found them to be nearly 100% accurate. From 1983-85, I and other employees of CORSEARCH verified over 100 search reports that had been completed by taking them to the New York City public libraries to determine whether we could locate original versions of the articles that had been digitized on Dialog. We learned that the online version was 100% accurate when compared to the original printed periodical, with the exception of extremely infrequent typographical errors. I have continued to verify online sources for accuracy and reliability and have repeatedly found that of the articles for which I was able to find an original source document, the online version mirrored the original source document with nearly 100% accuracy. For many of the magazine articles that were retrieved from the public library online sources a digitized version of the original article was also available. In instances where a text and digitized version were available both versions were retrieved and are included in the respective exhibit attached to this report.

One of the advantages of conducting research by using database systems such as the online services available through public libraries is that database research is **highly replicable**. That is, because databases have a fixed amount of content at a given moment, and that content is backed-up numerous times on alternative file servers, re-running an identical search one day, a week, a month or even a year later will almost always retrieve all of the citations found in the



earlier search, along with updated citations that have been added to the database since the first query. **Consistency, reliability,** and the ability to **replicate** are substantial advantages offered by database searching that are not available through traditional mail-intercept or telephone surveys of the type that were historically offered in trademark cases.

In addition, online-based research for this case (and some Internet-based research), have the added value of being highly verifiable. That is, in many instances it is possible to obtain photocopies of the original source articles that were available through an online service so as to verify the accuracy of the online information.

*Internet-based Research:*

The purpose of conducting research on the Internet by means of search engines such as Yahoo®, Google® or Bing® is to determine the amount, frequency and type of exposure that a particular word or phrase has to members of the public who seek information from the Internet. Quite often the use of a particular word or phrase is found on the web and is not found on online sources such as those available through the public library. This is primarily due to many small companies that have a "web presence" but are not large or unique enough to have obtained coverage of their products or services via traditional print media. The best way to ascertain coverage and use of a term or phrase in the primary sources (other than television) that consumers most often use to obtain information about products and services is to review both online sources and the Internet.

For both the online research and Internet research, I used search strategies that were based on my extensive and decades-long experience in trademark and database searching and I

developed search protocols consistent with those used by professional trademark searchers and the USPTO. Under this methodology I input search criterion that are compared against a database (or the Internet) resulting in factual output of relevant use of a given term or phrase. My results are factually developed and based on standard, professionally developed search criteria and independently maintained sources.

*Admissibility Before the USPTO of Evidence Obtained from Online Sources:*

The U.S. Patent and Trademark Office Trademark Trial and Appeals Board ("TTAB") is an administrative venue where issues of genericness and descriptiveness are often tried and resolved. The vast majority of matters that involve these issues are initially (and often conclusively) addressed at the USPTO, the very agency charged with making this kind of determination, as part of the examination process for the 400,000+ annual filings of new trademark applications at the USPTO. Applications for registration are first reviewed by an Examining Attorney and subsequently, if an examiner's refusal to register is appealed or if an opposition or cancellation proceeding is filed, by the Trademark Trial and Appeal Board.

The *Trademark Manual of Examining Procedure* ("TMEP") provides procedures for examiners to use when reviewing trademark applications.

The USPTO addresses the admissibility of evidence obtained from databases such as NEXIS and other online sources in the TMEP. Section 710.01(a) states:

**710.01(a) Evidence From Research Database**

If evidence is obtained from a research database, the record should include an indication of the specific search that was conducted. The record should indicate the libraries and/or files that were searched and the results. If the examining attorney does not review all of the documents the search locates, the record should indicate the number

of documents that were reviewed. The search summary should be made a part of the record and will provide most of this information. Information not indicated on the summary, such as the number of documents viewed, should be stated in narrative in the Office action. The Office action should include a citation to the research service, indicating the service, the library and the file searched, and the date of the search (e.g., LEXIS®, New and Business, All News (June 5, 2007).

When evidence is obtained from a research database, the examining attorney does not have to make all stories of record. It is sufficient to include only a portion of the search results, as long as that portion is a **representative sample** (emphasis added) of what the entire search revealed. In re Vaughan Furniture Co. Inc., 24 USPQ2d 1068, 1069 n.2 (TTAB 1992). See also In re Federated Department Stores Inc., 3 USPQ2d 1541, 1542 n.2 (TTAB 1987).

The public library information that is included in this Report identifies not only (1) the specific searches that were conducted, (2) the libraries and/or files that were searched and (3) the results, but also includes citations to the exact publication name and publication date of the articles cited. The public library information presented in this Report complies with the requirements for the admissibility of evidence as detailed in Section 710.01(a) of the TMEP. The presentation of the NEXIS and public library information follows an approach that is openly and consistently accepted by the USPTO and the TTAB for identifying and presenting information concerning the use of a mark and the way in which the public is using a term.

**Note:** Many articles or stories that are found on online library sources are several pages in length and although part of the article or story may be relevant to this matter other parts are irrelevant. In those instances, the relevant portions are included in the respective Exhibits to this report and the irrelevant information is deleted and replaced by the notation:

[Unrelated Information has been Deleted.]

The original article has been retained in full and can be provided upon request. In addition, throughout Exhibits that contain information retrieved from public library online sources the words that were used as search terms are highlighted, often in the color red. These words were not colored red in the original articles. The red coloring of the terms was done by the online service or myself in order to help the reader of the information find the relevant term(s).

*Admissibility Before the USPTO of Evidence Obtained from the Internet:*

The TMFP in Section 710.01(b) (**Internet Evidence**) states:

Articles downloaded from the Internet are admissible as evidence of information available to the general public, and of the way in which a term is being used by the public. However, the weight given to this evidence must be carefully evaluated, because the source may be unknown. *See In re Total Quality Grp. Inc.*, 51 USPQ2d 1474, 1475-76 (TTAB 1999); *Raccioppi v. Apogee Inc.*, 47 USPQ2d 1368, 1370-71 (TTAB 1998). When making Internet evidence part of the record, the examining attorney must both (1) provide complete information as to the date the evidence was published or accessed from the Internet, and its source (e.g., the complete URL address of the website), and (2) download and attach the evidence to the Office action. *See Safer Inc. v. OMS Inv. Inc.*, 94 USPQ2d 1031, 1039 (TTAB 2010). Providing only a website address or hyperlink to Internet materials is insufficient to make such materials of record. *In re Powermat Inc.*, 105 USPQ2d 1789, 1791 (TTAB 2013);

The Internet information presented in this Report complies with the requirements for the admissibility of evidence as detailed in Section 710.01(b) of the TMFP. The presentation of the Internet information follows an approach that is openly and consistently accepted by the USPTO and the TTAB for identifying and presenting information concerning the use of a mark and the way in which the public is using a term.

**A Word About Wheat Thins®**

The Nabisco branded product WHEAT-THINS is very commonly found in any search for the word "thins", especially when additional terms such as "snack" or "cracker" are added. For instance, a search of over 1,000 cover-to-cover newspapers using the query "thins and (cracker or snack or crisp or crispbread or chips)" yielded 612 records. When the same query was executed with the added criterion "not wheat thins" the number dropped by 41% to 366 records. Because of the extensive and decades long media coverage and popularity of WHEAT THINS it was determined to be unnecessary to overly burden this report with hundreds of WHEAT THINS articles.

**Research Procedures: Newspaper Query: THINS (Exhibit B)**

For this project I searched the "Custom Newspapers" database prepared by Gale Research. This database previously was one of the databases that were available on Dialog. During my 15 years at CORSEARCH this database was searched for over 99% of the word mark searches that were completed by CORSEARCH. Custom Newspapers has coverage of "more than 1,000 cover-to-cover titles, including U.S. national, regional, and local newspapers as well as the leading titles from around the world."

(<http://montgomerycountymd.libguides.com/articles>)

My first query of this database was "thins" and (crackers or snack or crisp or crispbread or chips). That query yielded 612 records. (See Newspaper Search Summary 1)

[The remainder of this page is blank.]

Save All		Sort by: Publication Date (Descending)
<b>612 News Results for <u>Basic Search</u></b> Entire Document ("thins" And (crackers Or snack Or crisp Or crispbread Or chips)) LIMITS: With Full Text ( x )		
1. <b><u>SNACK ATTACK! These quick and easy grazing ideas will keep the kids happy all day: ADVERTISING FEATURE.</u></b>	Recipe	
<u>The Sun (London, England)</u> . (July 20, 2014) News: p42. Word Count: 666. School's out for summer! And that means weeks of family fun in the sunshine, right? Well, we might not be able to do much about the weather, but we can help with all those extra meals to cook and bored children to ... <a href="#">Full-text</a>		
2. <b><u>How to go grey: THE KNOWLEDGE.</u></b>	Article	
<u>Sunday Telegraph (London, England)</u> . (June 29, 2014) News: p65. Word Count: 546. Byline: JOSH WOOD Colourist, Interview by Rachael Dove TURNING GREY The age at which you go grey is largely hereditary, as is the spread of colour: I've known clients to go from brunette to virtually white within months, ... <a href="#">Full-text</a>		
3. <b><u>Taste Test.</u></b>	Article	
<u>The Florida Times Union</u> . (June 26, 2014) News: pD. Word Count: 456. WHEAT THINS POPPED, SOUR CREAM & ONION How much: \$3.69 at Wal-Mart What they're selling: "Pop one, pop two, pop a few more." Nutritional information (per serving): 120 calories, 3 g fat, no cholesterol, 280 mg sodium, 23 ... <a href="#">Full-text</a>		
4. <b><u>Dinnertime food wars.</u></b> Esther J. Cepeda.	Article	
<u>Telegram &amp; Gazette (Worcester, MA)</u> . (June 20, 2014) Opinion and Editorial: Word Count: 747. Byline: ESTHER J. CEPEDA What is "real food"? My oldest son's official definition is: anything that doesn't taste good but is good for you. As he witnessed the latest dinner ...		

## Newspaper Search Summary 1

\*\*\*\*\*

Being familiar with the popularity and notoriety of the Nabisco brand of crackers known as WHEAT THINS I immediately executed a second query requesting the exclusion of articles using the phrase "wheat thins". I realized that such a reduction would also eliminate records such as STONE WHEAT THINS but when the results indicated that 366 records remained (Newspaper Search Summary 2) I considered the possible loss of a few examples of "thins" to be worth the savings in not reviewing all 612 records. If, after reviewing the 366 records, I felt that insufficient information had not been retrieved I could always return to the larger set. In the end I did not feel it necessary to review the extra records.

proxy.montgomerylibrary.org 2016/05/basicSearch.do?inputFieldValue0=+thins+and+clackers+or+snack+or+crisp+or+crispbread+or+chips+not+\*wheat+thins+&inputFieldNumber0=

Most Visited Getting Started

HOME PAGE SUBJECT GUIDE SEARCH PUBLICATION SEARCH ADVANCED SEARCH PREVIOUS SEARCHES TERM CLUSTERS

Search within results

Only full text  
must have images

Your Results

News (366)

Analyze

Term Clusters

Limit Search by

RELATED SUBJECTS:

Snack foods (10)  
Soft drink industry (7)  
Supermarkets (2)  
Cookies (5)  
Snack foods industry (5)  
View More

DOCUMENT TYPES:

Article (273)  
Brief article (61)  
Recipe (22)  
Column (10)  
Company overview (3)  
View More

PUBLICATION TITLES:

The New York Times (34)  
Globe & Mail (Toronto) (13)  
The Guardian (London) (13)  
The Mirror (London) (13)  
Star Tribune (Minneapolis) (12)  
View More

Save All

Sort by: Publication Date (Descending)

366 News Results for Basic Search Entire Document ("thins" And (clackers Or snack Or crisp Or crispbread Or chips) Not "wheat thins") LIMITS: With Full Text ( x )

1. SNACK ATTACK! These quick and easy grazing ideas will keep the kids happy all day: ADVERTISING  
FEATURE  
The Sun (London, England). (July 20, 2014) News: p47. Word Count: 666.  
School's out for summer! And that means weeks of family fun in the sunshins, right? Well, we might not be able to do much about the weather, but we can help with all those extra meals to cook and bored children to ...  
Full-text

2. How to go grey: THE KNOWLEDGE.  
Sunday Telegraph (London, England). (June 29, 2014) News: p45. Word Count: 546.  
Byline: JOSH WOOD Colourist, Interview by Rachael Dove TURNING GREY The age at which you go grey is largely hereditary, as is the spread of colour. I've known clients to go from brunette to virtually white within months, ...  
Full-text

3. Can Tesco really beat Poundland at its own game? As supermarket giant launches new 'PS1 zones'...  
Daily Mail (London, England). (May 10, 2014) News: p34. Word Count: 1535.  
MIDDLE-CLASS shoppers are increasingly turning away from traditional supermarkets and embracing discount retailers such as Aldi, Lidl and even PS1 shops in their efforts to bag a bargain. So it's little wonder that ...  
Full-text

4. Can Tesco really beat Poundland at its own game? As supermarket giant launches new 'PS1 zones'...  
Daily Mail (London, England). (May 10, 2014) News: p34. Word Count: 1536.  
Byline: JENNY WOOD MIDDLE-CLASS shoppers are increasingly turning away from traditional supermarkets and embracing discount retailers such as Aldi, Lidl and even PS1 shops in their efforts to bag a bargain. So it's ...  
Full-text

5. Can Tesco really beat Poundland at its own game? As supermarket giant launches new 'PS1 zones'...  
Daily Mail (London, England). (May 10, 2014) News: p34. Word Count: 1532.  
Byline: JENNY WOOD MIDDLE-CLASS shoppers are increasingly turning away from traditional supermarkets and embracing discount retailers such as Aldi, Lidl and even PS1 shops in their efforts to bag a bargain. So it's ...  
Full-text

www.gale.com/galeone

## Newspaper Search Summary 2

\*\*\*\*\*

I next reviewed each of the 366 summaries. If the summary indicated that the publication was a non-United States publication (such as *The Guardian*) I would review the story to see if it discussed an American business or a particular product in America. If it did not meet one of these two criteria the record was eliminated from consideration. Eighty-six (86) articles were retrieved, all of which are from U.S. newspapers. Copies of the retrieved articles are located in

Exhibit B. Tabular analysis of the findings is provided in an Excel spreadsheet format and is located in Exhibit D, Pages 1-4.

After downloading the eighty-six articles I began the process of inserting the articles into a Word document (Exhibit B), eliminating the unnecessary portions and properly formatting and numbering each record. Upon the completion of Exhibit B I reviewed each entry and populated the respective cells of the spreadsheets that compose Exhibit D, Pages 1-4.

**Research Procedures: Magazine Query: THINS (Exhibit C)**

For this project I also searched the "MasterFILE Premier" database. This database, or one very similar to it, previously was one of the databases that were available on Dialog. During my 15 years at CORSEARCH this database, or one very similar to it, was searched for over 99% of the word mark searches that were completed by CORSEARCH.

MasterFile Premier has "Full-text articles from nearly 1,700 periodicals, some dating back to 1975." (<http://montgomerycountymd.libguides.com/articles>) My first query of this database was "thins" and (crackers or snack or crisp or crispbread or chips). That query yielded 173 records. (Magazine Search Summary 1)



☐ Save All

Sort by: Publication Date (Descending) :

**173 Magazine Results for Basic Search Keyword ("thins" And (crackers Or snack Or crisp Or crispbread Or chips)) LIMITS: With Full Text ( x )**

- |  |   |
|--|---|
| <p><input type="checkbox"/> <b>1. New packaging for Finn Thins.</b><br/> <i>Grocer</i>, 237.8162 (July 5, 2014) p27. Word Count: 28.<br/>         New packaging for Finn Thins: Finnish bakery Vaasan Oy has introduced new packaging for its Finn Crisp Thins and is rolling out an on-pack cashback promotion. [ILLUSTRATION OMITTED] ...<br/> <a href="#">Full-text with Graphics</a> <a href="#">PDF page(s)</a></p> <p><input type="checkbox"/> <b>2. A thin line.</b> William A. Roberts, Jr.<br/> <i>Prepared Foods</i>, 183.6 (June 2014) p12. Word Count: 81.<br/>         [ILLUSTRATION OMITTED] Stacy's, the Frito-Lay sub-brand, well-known for its pita and bagel chips, has added Stacy's Pretzel Thins, a line of baked snacks that combines the classic pretzel flavor with a thin, crispy ...<br/> <a href="#">Full-text with Graphics</a> <a href="#">PDF page(s)</a></p> <p><input type="checkbox"/> <b>3. Kalle launches kid's and impulse lines.</b><br/> <i>Grocer</i>, 237.8156 (May 24, 2014) p25. Word Count: 119.<br/>         Organic rice cake brand Kano is launching its first kids range and impulse products for adults. [ILLUSTRATION OMITTED] Kalle Kids come in milk chocolate or strawberry yoghurt flavour, and roll out to Sainsbury's next ...<br/> <a href="#">Full-text with Graphics</a> <a href="#">PDF page(s)</a></p> <p><input type="checkbox"/> <b>4. Not Thins</b></p> | <p>Brief article</p> <p>Brief article ,<br/>Editorial</p> <p>Brief article</p> <p>Brief article</p> |
|--|---|

### Magazine Search Summary 1

\*\*\*\*\*

For the same reasons as were provided for the exclusion of WHEAT THINS from the newspaper query, I also executed a second query in the magazine database requesting the exclusion of WHEAT THINS records. As before, I was aware that I might eliminate records such as STONE WHEAT THINS by my exclusion. The results of this second query are presented as Magazine Search Summary 2. Excluding WHEAT THINS from the results reduced the number of records by 54%--from 173 with WHEAT THINS to 81 without. Sixty-four (64) of the 81 records are provided in this report and are in Exhibit C. In a manner similar to that used for the newspaper articles, the magazine articles were prepared into an exhibit and Excel spreadsheets were prepared (Exhibit D, Pages 5-8).

Many of the magazine articles also had a digitized version of the actual article available for review. In the instances where a digitized version of the actual article was available that additional version was retrieved and the relevant portions included in Exhibit C immediately following the downloaded textual version.

Save All Sort by: Publication Date (Descending)

**81 Magazine Results for Basic Search** Keyword ("thins" And (crackers Or snack Or crisp Or crispbread Or chips) Not "wheat thins") LIMITS: With Full Text ( x )

1. **New packaging for Finn Thins.** Brief article  
*Grocer*, 237.8162 (July 5, 2014) p27. Word Count: 28.  
New packaging for Finn Thins: Finnish bakery Vaasan Oy has introduced new packaging for its Finn Crisp Thins and is rolling out an on-pack cashback promotion. [ILLUSTRATION OMITTED] ...  
[Full-text with Graphics](#) [PDF page\(s\)](#)

2. **A thin line.** William A. Roberts, Jr. Brief article ,  
*Prepared Foods*, 183.6 (June 2014) p12. Word Count: 81. Editorial  
[ILLUSTRATION OMITTED] Stacy's, the Frito-Lay sub-brand, well-known for its pita and bagel chips, has added Stacy's Pretzel Thins, a line of baked snacks that combines the classic pretzel flavor with a thin, crispy ...  
[Full-text with Graphics](#) [PDF page\(s\)](#)

3. **Kalle launches kid's and impulse lines.** Brief article  
*Grocer*, 237.8156 (May 24, 2014) p25. Word Count: 119.  
Organic rice cake brand Keno is launching its first kids range and impulse products for adults. [ILLUSTRATION OMITTED] Kalle Kids come in milk chocolate or strawberry yoghurt flavour, and roll out to Sainsbury's next ...  
[Full-text with Graphics](#) [PDF page\(s\)](#)

4. **Nut Thins.** Brief article  
*Grocer*, 237.8156 (May 24, 2014) p25. Word Count: 60.

## Magazine Search Summary 2

\* \* \* \* \*

**Research Procedures: USPTO trademark Query: THINS (Exhibit E)**

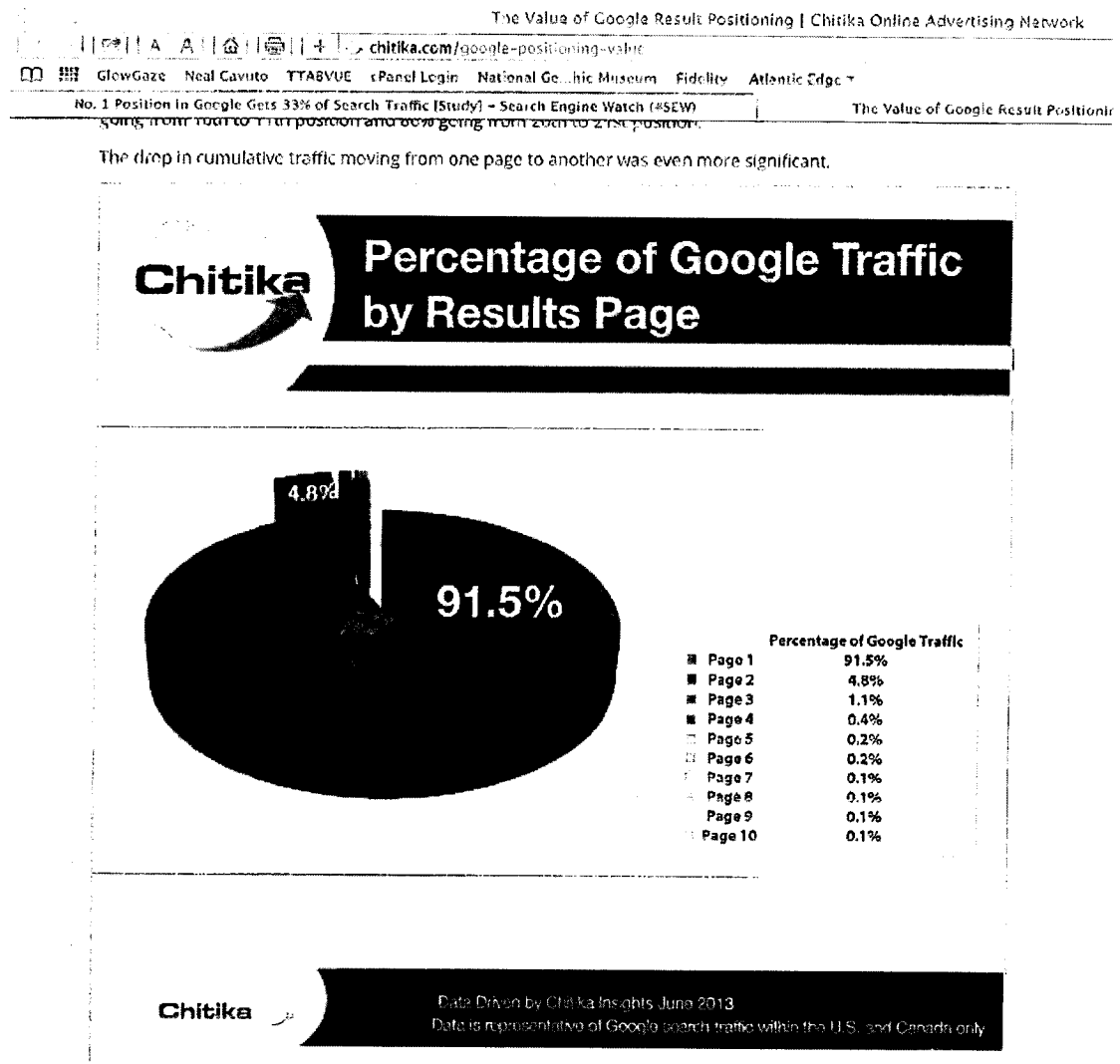
Using the "Free Form" search option for trademark searching on the USPTO web site, I entered the following query: thins and 030[ic] and live[ld]. This query was designed to retrieve all records in International Class 30 that contain the word "thins" and were "live" (pending or registered) trademarks. (Exhibit E, Pages 1-3) I next reviewed the summary and selected every record that contained "thins" (and not the word "thin") that was also listed as a Registered trademark. (Exhibit E, Pages 4-29)

**Research Results: Internet Query: THINS (Exhibit F)**

It is extremely rare, when searching the Internet, to be able to use a single term (such as "thins") to conduct a search and not need other qualifying terms in order to find relevant information. With some famous marks (such as LIVESTRONG or NASCAR), simply entering the trademark will result in the searcher being directed the information that should help them solve their informational needs. Other famous marks (such as MARLBORO) might require additional terms (such as tobacco) if one were looking for information about MARLBORO cigarettes and not Marlboro, New Jersey. Surprisingly, a search for "thins" on the Internet did not require the addition of other terms in order to find food products using "thins" as part of the brand name or as a generic term describing the food product.

Based upon years of professional experience as well as research conducted by third-parties, it is my opinion that almost no consumers review Internet sites past the third screen of search results. This conclusion is supported by the research of Chitika ([chitika.com](http://chitika.com)), a leader in

online advertising. In their most recent findings (June 12, 2013) (as reflected in the graph below), **91.5%** of Google Traffic is attributed to Page 1 of the search results. Page 2 traffic drops to 4.8% and Page 3 traffic drops to 1.1%. Collectively, all pages after Page 3 account for less than 3% of Google traffic; each page has less than 0.1% of Google traffic.



Sites listed on the first Google search results page generate 92% of all traffic from an average search. When moving from page one to two, the traffic dropped by 95%, and by 78% and 58% for the subsequent pages.

In order to be more comprehensive than the typical consumer, I reviewed ten (10) screens of search results from my Google query "thins" and identified thirty-four web sites that advertised or sold food products whose brand name or product name containing "thins".

(Exhibit F)

### Analysis of Newspaper Research

#### Using "generic" in this Expert's Report

The determination as to whether a name or trademark is generic is a judicial determination. Nonetheless, as a professional trademark researcher it is essential to have a solid understanding of many of the key principles of trademark law. From the perspective of a trademark researcher, a word, slogan or phrase that is frequently used by third-parties, or appears in the media in lower-case letters, or is not consistently associated with one or a small group of sources is referred to as a "generic" or possibly a diluted term. For this report and the attached exhibits, the use of "generic" is in accordance with this description and is not intended to imply a legal determination of genericness.

For this report and the attached exhibits, "thins" are defined as crisp bakery goods such as cookies, crackers, chips, crispbreads and crispbread slices, wafers or biscuits. "Thins" also are sold as confection items as well as slices of bread that although "thinner" than traditional bread are not "crisp" or toasted as are the overwhelming majority of the "thins" products in the marketplace.

Newspaper articles using "thins" as either part of a brand name for a food product or as a generic term were retrieved from articles dated as early as April 29, 1987 (Exhibit B, Newspaper Article #86) and as recent as February 16, 2014. (Exhibit B, Newspaper Article #1) Articles were found in the following publications. (The number following the publication name represents the number of different "thins" articles retrieved from that publication. (Exhibit D, Page 2)

- *Daily Herald* (Arlington Heights, IL) 7

• <i>Daily News</i> (Los Angeles, CA)	2
• <i>Frederick News Post</i> (Frederick, MD)	1
• <i>International Herald Tribune</i>	1
• <i>New York Post</i>	3
• <i>Pantagraph</i> (Bloomington, IL)	1
• <i>Pittsburgh Post-Gazette</i>	3
• <i>Reading Eagle</i> (Reading, PA)	1
• <i>St. Joseph News-Press</i> (St. Joseph, MO)	2
• <i>St. Louis Post-Dispatch</i>	3
• <i>Star Tribune</i> (Minneapolis, MN)	10
• <i>Telegram &amp; Gazette</i> (Worcester, MA)	1
• <i>The Atlanta Journal-Constitution</i>	4
• <i>The Austin American-Statesman</i>	2
• <i>The Boston Herald</i>	2
• <i>The Capital Times</i> (Madison, WI)	1
• <i>The Denver Post</i>	1
• <i>The Florida Times Union</i>	4
• <i>The Fresno Bee</i> (Fresno, CA)	3
• <i>The Gazette</i> (Colorado Springs, CO)	2
• <i>The New York Times</i>	15
• <i>The News &amp; Record</i> (Piedmont Triad, NC)	1

• <i>The Palm Beach Post</i>	3
• <i>The Record</i> (Bergen, NJ)	2
• <i>The Register-Guard</i> (Eugene, OR)	1
• <i>The St. Petersburg Times</i> (St. Petersburg, FL)	1
• <i>The Tampa Tribune</i>	1
• <i>The Tifton Gazette</i> (Tifton, GA)	1
• <i>The Virginian Pilot</i>	1
• <i>Winston-Salem Journal</i>	3
• <i>Wisconsin State Journal</i> (Madison, WI)	1

The product names listed below are the respective names as they appeared in the newspaper articles. Although “Doritos Tortilla Thins” and “Frito-Lays Doritos Tortilla Thins” may be the same product, that product was presented to the consumer using two different, although very similar, names. Third-party food products, in addition to Nabisco’s WHEAT THINS, that were mentioned in the retrieved newspaper articles include:

- Andes Crème de Menthe Thins
- Angel Sanso’s Chewy Toffee Thins
- Back to Nature Ginger Rice Thins
- Baked Potato Thins
- Blue Diamond Pecan Nut-Thins
- Blue Diamond Hazelnut Nut-Thins
- Cherry Jubilee Thins

- Doritos Thins
- Doritos Tortilla Thins
- Frito-Lays Doritos Tortilla Thins
- Moravian Ginger Thins
- Nabisco Pita Thins Toasted Chips
- Nabisco Vegetable Thins
- Nature Valley Dark Chocolate Granola Thins
- Nature Valley Granola Thins
- Newtons Fruit Thins
- Nut-Thins
- Nut Thins Crackers
- Peanut Butter Granola Thins
- Pita Thins
- Pita Thins Toasted Chips
- Publix Original Thins Potato Chips
- Reisman's Pretzel Thins
- Ritz Munchables Buttery Thins
- Rold Gold Classic Style Thins
- Rold Gold Classic Thins
- Sandwich Thins
- Savory Cheddar Pretzel Thins



- Stacy's Pretzel Thins
- Toffee Crunch Thins
- Triscuit Chili Pepper Thins Crisps
- Vegetable Thins
- Vienna Fingers Mint Fudge Thins
- William Poll Baked Potato Thins

In addition to the above list of twenty-nine (29) different food products containing "thins" as part of the product's name, over forty generic uses of "thins" were also found in the newspaper articles. These uses include:

- pretzel thins (Exhibit B, Newspaper Articles #3, #25 and #53)
- churro-type tortilla thing dusted in cinnamon (Exhibit B, Newspaper Article #6)
- cookie thins (Exhibit B, Newspaper Article #8)
- bagels and bagel things (Exhibit B, Newspaper Articles #10 and #69)
- blueberry bagel things (Exhibit B, Newspaper Article #13)
- sandwich things (Exhibit B, Newspaper Articles #16 and #20)
- Mint Things (Exhibit B, Newspaper Article #18)
- sandwich or bagel things (Exhibit B, Newspaper Article #21)
- baked potato things (Exhibit B, Newspaper Article #23)
- rice things (Exhibit B, Newspaper Article #26)
- Lemon Things (Exhibit B, Newspaper Articles #28 and #70)
- to make the granola things less sweet (Exhibit B, Newspaper Article #29)

- boxes of 10 thins (Exhibit B, Newspaper Article #31)
- the thins (Exhibit B, Newspaper Article #38)
- nacho thins (Exhibit B, Newspaper Article #47)
- Thins (Exhibit B, Newspaper Article #48)
- Brownie Thins (Exhibit B, Newspaper Article #51)
- super-crisp thins (Exhibit B, Newspaper Article #52)
- golden-brown thins (Exhibit B, Newspaper Article #56)
- Sesame Thins (Exhibit B, Newspaper Article #57)
- sourdough thins (Exhibit B, Newspaper Articles #60 and 68)
- ginger thins (Exhibit B, Newspaper Article #63)
- nut thins (Exhibit B, Newspaper Article #64)
- farfel-nut thins (Exhibit B, Newspaper Article #65)
- rolled chocolate thins (Exhibit B, Newspaper Article #66)
- butter thins (Exhibit B, Newspaper Articles #67 and #86)
- Molasses Thins (Exhibit B, Newspaper Article #70)
- Orange Thins (Exhibit B, Newspaper Article #70)
- ginger thins (Exhibit B, Newspaper Article #81)

It was not uncommon to find individual recipes submitted to newspapers by their readers for their favorite “thins” baked goods nor was it uncommon for a food “critic” for a newspaper to submit his or her “thins” recipe. Examples of these uses include:

- Lemon Thins Adapted from Fine Cooking Magazine (Exhibit B, Newspaper Article #28)

- Lemon Thins (Adapted from the April 1990 issue of Gourmet Magazine) (Exhibit B, Newspaper Article # 58)
- Herbed Sourdough thins (Exhibit B, Newspaper Article #60)
- Butter Thins (Exhibit B, Newspaper Article #67)
- Lemon Thins (Exhibit B, Newspaper Article #70)
- Orange Thins (Exhibit B, Newspaper Article #70)
- Molasses Thins (Exhibit B, Newspaper Article #70)

"Thins" products were manufactured, sold or marketed by companies such as:

- Andes (produced by Tootsie-Roll Industries)
- Arnold Premium Bread (a part of Bimbo Bakeries USA)
- Blue Diamond (Blue Diamond Growers Cooperative)
- Frito-Lay (A Division of Pepsico)
- The Girl Scouts (Girl Scouts of the United States of America)
- Nabisco (A subsidiary of Mondelez International)
- Nature Valley (A Division of General Mills)
- Pepperidge Farm
- Pittsburgh Pretzels
- Publix Super Markets
- Resiman's Brothers Bakery
- Ritz (Nabisco / Mondelez International)
- Rold Gold (Frito-Lay)

- Stacy's (Pepsico)
- William Poll

The newspaper research resulted in forty-one articles (48%) where the use of "thins" was categorized as "generic". (Exhibit D, Page 4)

The newspaper research resulted in the retrieval of eighty-six (86) articles appearing in newspapers across America. It is my opinion that most persons in America would agree that newspapers are general consumer (as compared to "trade") publications and that information appearing in a newspaper is intended for readership by the general public.

#### **Analysis of Magazine Research**

Magazine articles using "thins" as either part of a brand name for a food product or as a generic term were retrieved from articles dated as early as September 15, 1992 (Exhibit C, Magazine Article #64) and as recent as July 5, 2014. (Exhibit B, Magazine Article #1) Articles were found in the following publications. (The number following the publication name represents the number of different "thins" articles retrieved from that publication.)

- *Advertising Age International (1)*
- *ADWEEK Eastern Edition (2)*
- *Brandweek (1)*
- *Broadcasting & Cable (1)*
- *Candy Industry (1)*
- *Entertainment Close-Up (3)*
- *Food & Beverage Close-Up (3)*

- *Food & Drug Packaging* (1)
- *Food Service Director* (1)
- *Good Housekeeping* (2)
- *Gourmet Retailer* (2)
- *Grocer* (11)
- *Grocery Headquarters* (2)
- *India Business Insight* (1)
- *Just-food.com* (5)
- *Milling & Baking News* (1)
- *MMR* (2)
- *Natural Health* (1)
- *Nutraceuticals World* (2)
- *Official Board Markets* (1)
- *Prepared Foods* (2)
- *Professional Candy Buyer* (3)
- *Shape* (1)
- *Snack Food & Wholesale Bakery* (6)
- *Stagnito's New Products Magazine* (2)
- *Super Marketing* (1)
- *The Food Industry Report* (3)
- *USA Today* (magazine) (1)

- *Vegetarian Times (1)*

Although no readership restrictions were included in my magazine article query, 79% of the magazine articles that were retrieved from the “thins” query were “trade” publications and not geared or intended for readership by the general consuming public. The magazines that were categorized as “trade” publications that were retrieved from the “thins” magazine research included:

- *Advertising Age*
- *ADWeek*
- *Brandweek*
- *Broadcasting & Cable*
- *Candy Industry*
- *Entertainment Close-Up*
- *Food & Beverage Close-Up*
- *Food & Drug Packaging*
- *FoodService Director*
- *Gourmet Retailer*
- *Grocer*
- *Grocery Headquarters*
- *India Business Insight*
- *Milling & Baking News*
- *MMR (Mass Market Retailers)*

- *NutraceuticalsWorld*
- *Official Board Markets*
- *Prepared Foods*
- *Professional Candy Buyer*
- *Snack Food & Wholesale Bakery*
- *Stagnito's New Products Magazine*
- *Super Marketing*
- *The Food Industry Report*

The magazines that were categorized as consumer publications were:

- *Good Housekeeping*
- Just-food.com (considered an online magazine)
- *Natural Health*
- *Shape*
- *USA Today*
- *Vegetarian Times*

The magazine research resulted in seven articles (11%) that were categorized as "generic".

(Exhibit D, Page 8)

"Thins" product or brand names found in the magazine articles include: (the product / brand name is in the left column and the manufacturer is in the right column) (Exhibit D, Page 7)

- |                |               |
|----------------|---------------|
| • Almond Thins | Nonni's Foods |
| • almond thins | generic       |

• Anna's Ginger Thins	Anna's
• Artisan Nut Thins	Blue Diamond
• Artisan Nut-Thins Cracker Snacks	Blue Diamond
• Baked Potato Thins	William Poll, Inc.
• Cantina Thins	On the Border
• Cinnamon Raisin Almond Thins	Nonni's
• Corn Thins	Rcal Foods of Australia
• Crisp Thins	Good Doctor
• Doritos [Brand] Tortilla Thins	Frito-Lay
• Finn Thins	Vassan Oy
• Granola Thins	Nature Valley
• Jacob's Thins	UBUK
• Mini-Carb Soy Thins	Carbsense Foods, Inc.
• Multi-Seed Artisan Nut-Thins	Blue Diamond
• Nabisco Rice Thins	Nabisco / Mondelez International
• Nut Thins	Blue Diamond
• Nut Thins	generic
• Nut-Thins	Fresh Samantha
• Nut-Thins Crackers	Blue Diamond
• Nutri-Choice Thins	Britannia Industries
• Oaty Thins	Rude Health



- Pretzel Thins Rold Gold
- Rice Thins Liberty Richter Sesmark
- Rice Thins Back to Nature
- Ryvita Thins Ryvita
- Sandwich Thins Warburtons
- Shortbread Thins Walkers Shortbread
- Snackers and Cheese Thins Betafoods, Inc.
- Southwest Thins One the Border
- Spicy Fiesta Thins Eagle
- Stacy's Pretzel Thins Stacy's / Frito-Lay
- thins generic (Records 6, 10, 27, 58)
- Thins Shearer's Foods
- Thins Campbell Soup
- Thins Bites Ryvita
- Tortilla Thins Pepsico / Frito-Lay
- Tostitos Thins Pepsico / Frito-Lay
- Whole Wheat Sandwich Thins Arnold

Between the newspaper and magazine research both the general consumer and "trade / professional" audiences have been reviewed and analyzed.

### **Analysis of USPTO Trademark Records Research**

Eighty-seven (87) records were responsive to my query seeking registered, live marks in International Class 30 that contained the word THINS. Because of cross-referencing and pseudo-marking added to trademark database by the USPTO, thirty-one (31) records contained THIN and not THINS. (Exhibit E, Pages 1-3) The THIN records were not reviewed nor considered in any conclusions or opinions that were drawn from the USPTO records. In addition, thirty (30) records had not matured to the status of Registered and therefore were not considered in any conclusions or opinions that were drawn from the USPTO records. The remaining twenty-six (26) THINS trademark records were retrieved and reviewed. (Exhibit E, Pages 4-29)

Regrettably, there is inconsistency at the USPTO with respect to requiring a disclaimer for the word "thins" when used in International Class 30 applications. Only two of the twenty-six Registered trademarks disclaimed the word THINS. Those two records are:

- Blue Thins for use on cookies, biscuits, crackers (Exhibit E, USPTO Record #5)
- Cantina Thins for use on Chips, namely tortilla chips (Exhibit E, USPTO Record #6)

*To disclaim or not to disclaim?*

I first became aware of the inconsistencies in disclaimers around 1990 when I was asked by an attorney for IBM to prepare a report of all currently or previously registered trademarks in International Class 9 (or US Classes 21, 26 or 38) that contained the word "system" as part of the trademark. IBM had filed an application (Serial Number 74001717) for the mark RISC

SYSTEM/6000 and the Examining Attorney wanted a disclaimer for the word "system". Less than one-third of the registered marks disclaimed "system;" and coupled with presentation of the mark ( "RISC System/6000" rather than " RISC System / 6000") IBM was able to prevail. There did not appear to be any rhyme or reason as to why certain marks had a disclaimer for the word "system" while other marks did not.

On September 3, 2014 a search was conducted on the USPTO web site for all marks filed in International Class 30 that contained the word THINS. Two-hundred and forty-two (242) trademarks were retrieved from query. (Exhibit E, Pages 31-37) Each of those marks was reviewed for communication between the Examining Attorney and the Applicant (or the Applicant's counsel) with respect to disclaimers.

Seventy-two (32%) of the 242 THINS marks were two-word marks such as Potato Thins, Cheese Thins, Tortilla Thins, Almond Thins, Breakfast Thins, Rice Thins, Corn Thins, Burger Thins, Flatbread Thins, Mint Thins, Sandwich Thins, Cookie Thins, Snack Thins, Truffle Thins, etc. Except for a few recent instances, almost every trademark application that required a disclaimer required that the word immediately before THINS (such as potato, cheese, tortilla, almond, etc.) be disclaimed. In many instances the wording in the Office Action was nearly identical to that shown in the following Office Actions.

[The remainder of this place is blank.]

The cited registered mark is **COOKIE THINS** for "cookies and biscuits" in International Class 30.

As to the second half of the test, the goods are the same and are otherwise closely related. Consumers encountering the applicant's mark are likely to believe that because the marks are the same and the goods are the same, the mark is associated with the registrant. Thus, since the marks are the same and the goods are the same, there is a likelihood of confusion and registration must be refused.

**Disclaimer**

The applicant must disclaim the descriptive wording "cookie" apart from the mark as shown. Trademark Act Section 6, 15 U.S.C. §1056; TMER §§1213 and 1213.03(a). The wording is merely descriptive of the goods as identified.

A disclaimer does *not* physically remove the disclaimed matter from the mark, but rather is a written statement that applicant does not claim exclusive rights to the disclaimed wording and/or design separate and apart from the mark as shown in the drawing.

The computerized printing format for the *Trademark Official Gazette* requires a standard form for a disclaimer. TMER §1213.08(4)(i). A properly worded disclaimer should read as follows:

No claim is made to the exclusive right to use **COOKIE** apart from the mark as shown.

See *In re Ovatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

### Disclaimer for "cookie" in the mark **COOKIE THINS** (Serial Number 77347046)

\* \* \* \* \*

**DISCLAIMER REQUIRED**

Applicant must insert a disclaimer of the descriptive wording **SANDWICH** in the application. The wording is descriptive because the applicant's bread is used to make **SANDWICHES**. See 15 U.S.C. §1056(a); TMER §§1213, 1213.03(a).

The following is the accepted standard format for a disclaimer:

No claim is made to the exclusive right to use "**SANDWICH**" apart from the mark as shown.

TMER §1213.08(4)(i).

The Office can require an applicant to disclaim an unregistrable part of a mark consisting of particular wording, symbols, numbers, design elements or combinations thereof. 15 U.S.C. §1056(a). Under Trademark Act Section 2(e), the Office can refuse registration of an entire mark if the entire mark is merely descriptive, deceptively misdescriptive, or primarily geographically descriptive of the goods. 15 U.S.C. §1052(e). Thus, the Office may require an applicant to disclaim a portion of a mark that, when used in connection with the goods or services, is merely descriptive, deceptively misdescriptive, primarily geographically descriptive, or otherwise unregistrable (e.g., generic). See TMER §§1212, 1213.03.

Failure to comply with a disclaimer requirement can result in a refusal to register the entire mark. TMER §1213.01(b).

### Disclaimer of "sandwich" in the mark **SANDWICH THINS** (Serial Number 77051818)

\* \* \* \* \*

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.

Serial Number 78197330

The assigned examining attorney has reviewed the referenced application and determined the following.

**Search Results**

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

**Disclaimer**

The applicant must disclaim the descriptive wording "WHEAT" and "SANDWICH BITES" apart from the mark as shown. Trademark Act Section 6, 15 U.S.C. §1056. TMEP §§1213 and 1213.03(a). The wording is merely descriptive because WHEAT describes the primary ingredient of the crackers and SANDWICH BITES describes the size and type of cracker. (Please see the attachment from the Google search engine showing that "sandwich crackers" is a common used term for crackers with a filling between two crackers).

The computerized printing format for the *Trademark Official Gazette* requires a standard form for a disclaimer. TMEP §1213.08(a)(i). A properly worded disclaimer should read as follows:

No claim is made to the exclusive right to use WHEAT and SANDWICH BITES apart from the mark as shown.

See *In re Owatonna Food Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

In view of the disclaimer requirement, the applicant's voluntary disclaimer of BITES will not be printed.

Disclaimer of "wheat" and "sandwich bites" in the mark WHEAT THINS SANDWICH BITES  
(Serial Number 781973300)

\* \* \* \* \*

The Examining Attorneys who required disclaimers seem to feel that the word immediately before the word THINS described the product or features of the product and therefore must be disclaimed. Although that premise may be true, this practice also appears to show a lack of understanding of all the words in the trademark application. If the Examining Attorney understood what THINS were they would also require a disclaimer for THINS; THINS also describes the products' configuration / shape (thin).

*Adding an "s" Doesn't Always Just Make a Word Plural*

In two recent and previously identified registrations Examining Attorneys required Applicants to disclaim THINS. In these instances the Examining Attorneys supported their requirement by submitting information regarding the use of THIN since they see THINS as a

plural of THIN. The TMEP states, (citations omitted) "Similarly, evidence showing that a term in singular form is generic typically will suffice to show that the **plural** also is generic (dictionary and other evidence of meaning of "hotel" sufficed to show that the **plural** form in HOTELS.COM was generic for the information and reservation services at issue); (finding that evidence established not only that the singular form is generic, but also that the **plural** form CHURRASCOS is generic for applicant's restaurant services)" (TMEP 1209.01(c)(ii))

The logic behind 1209.01(c)(ii) is generally solid in that only rarely is a new word with a new impression and connotation created simply by adding an "s" to an existing word. The operative word in the previous sentence is "generally" since adding an "s" to THIN, when used for baked goods, does in fact create a new word: THINS. If Examining Attorneys realized that THINS were a category of crisp baked goods they would not repeatedly send information to the applicants about the word THIN in support of their disclaimer requirement but instead could rely upon the extensive third-party use of THINS in the food industry to support a disclaimer requirement in that THINS is a generic term for a category of baked goods.

The Examining Attorney handling the application for CANTINA THINS searched dictionary.com for THINS but provided the Applicant with a definition for THIN; there is no definition for THINS in Dictionary.com. (Attachment 1 of the Office Action Dated September 3, 2013.) The same mistake was made when that same Examiner searched the *World English Dictionary* (Attachment 3) and *Word Origin & History* (Attachment 4). The Examiner next reproduced the image of a Tostitos Cantina Thin and Crispy Tortilla Chips bag (again presenting the adjective THIN rather than the noun THINS), an article about Thin and Crispy Tortilla Chips

and article about Super Thin Tortilla Chips (Attachments 5, 7, 9, 10 and 11) No evidence of THINS was submitted by the Examiner.

THIN is an adjective that describes the thickness of an item. THIN is the opposite of THICK. You cannot buy a THIN, you cannot make a THIN, you cannot ask someone to pass you a bowl of THIN. THINS is a noun. THINS is a category of cracker, crisp bread or cookie. You can buy THINS made by a number of different manufacturers, you can make THINS using a variety of publicly available recipes and you can ask someone to pass you a bowl of THINS such as WHEAT THINS or ALMOND THINS or even MINT THINS while you watch television. Simply adding an "s" onto THIN did not make a plural of THIN but instead created a new word, THINS. (Although people may use the word "thins" as a verb ("Paint thinner thins the paint.") this is not proper English. Proper English would be "Paint thinner thinned or thinned down the paint" or "Paint thinner will thin the paint." See below screen shot from Dictionary.com.)

**verb (used with object), thinned, thinning.**

17. to make thin or thinner (often followed by *down, out, etc.*).

**verb (used without object), thinned, thinning.**

18. to become thin or thinner; become reduced or diminished (often followed by *down, out, off, etc.*):

*"The crowd is thinning out."*

One Examining Attorney almost got it right. Examining Attorney, Andrea Hack, appeared to understand the cooking and baking marketplace. In her first Office Action regarding

the trademark application for COOKIE THINS (Serial Number 86161729) she stated: (citations omitted)

“Registration is refused because the applied-for mark merely describes features of applicant’s goods.”

“A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods and/or services.”

“Here, applicant’s mark is “COOKIE THINS” in standard characters for “crispy dessert snacks consisting of cookies, cakes, donuts, brownies or muffins” in International Class 030. As cookies are listed in the identification of goods, it is clear that “COOKIE” merely denotes the type of dessert snack.”

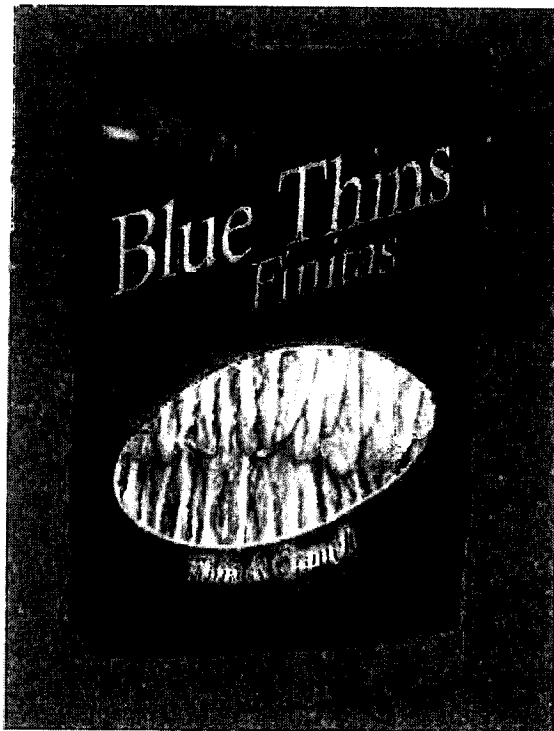
“Attached definitional evidence from [www.collinsdictionary.com](http://www.collinsdictionary.com) shows that “thin” refers to things that are slim or lean. Additional attached evidence shows that in the snack market, “THINS” are snack that are slim or lean and that many snack items are sold as “THINS”. Further evidence shows that many recipes for cookies described as “thin” appear on the internet showing that consumers would immediately understand applicant’s goods to be slim or lean cookies.”

“Finally, evidence consisting of third-party registrations containing “THINS” is attached. Third-party registrations featuring goods the same as or similar to applicant’s goods are probative evidence on the issue of descriptiveness where the relevant word or term is disclaimed, registered under Trademark Act Section 2(f) based on acquired distinctiveness, or registered on the Supplemental Register.”



As stated previously, two marks containing the word THINS have matured into registrations in International Class 30. These two marks, BLUE THINS and CANTINA THINS, both disclaim THINS.

BLUE THINS is a two-word mark but the color blue is not a feature of the chips (as would be the case in products such as blue corn tortilla chips) but instead appears to be associated with the bag as is shown in the following screen shot of the specimen of use. Although the application was submitted without a disclaimer, the examining attorney added a disclaimer for "thins" apparently after a discussion with the applicant's counsel.



Screen Shot of Specimen for Registration #3870613

With respect to the registration for CANTINA THINS, the Examining Attorney addressed the disclaimer issue through an Office Action. In that Office Action dated September 3, 2013 the Examining Attorney stated in part: (citations omitted)

"Applicant must disclaim the descriptive wording "THINS" apart from the mark as shown because it merely describes a feature and characteristic of applicant's goods."

"Wording is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods and/or services."

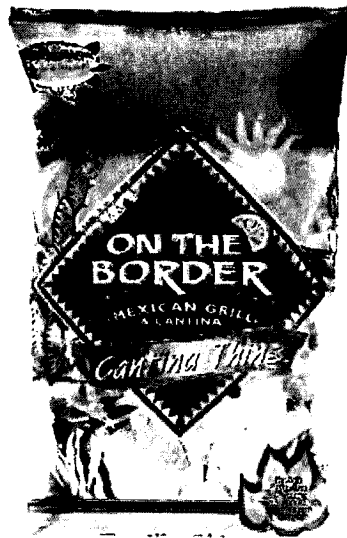
The applied-for mark is "CANTINA THINS" for "chips." "Thins" is defined as "not thick." See the attached definition from <http://www.dictionary.com>. Accordingly, the wording "thins" immediately conveys the idea that applicant's goods are not thick in nature. In fact, applicant's identification of goods is broadly identified to encompass not thick chips. For this reason, the wording "THINS" merely describes a presumed feature and characteristic of applicant's goods.

In order to demonstrate that the term "THINS" is a merely descriptive term when used in connection with "chips," the examining attorney has attached a sampling of a search conducted on the Internet. See the attached websites from: <http://www.fritolay.com/our-snacks/tostitos-cantina-thin-crispy.html>; <http://www.fronterafiesta.com/store/handmade-tortilla-chips/thin-and-crispy-tortilla-chips/26-61> and <http://caloriecount.about.com/calories-mission-foods-super-thin-tortilla-i140760>. The attached internet evidence indicates that the term "THINS" is commonly used to describe a feature and characteristic of applicant's goods.

Based on the dictionary definition, applicant's identification of goods and attached internet evidence, the wording "THINS" merely describes a presumed feature and characteristic of applicant's goods. For this reason, applicant is required to disclaim this wording apart from the mark as a whole."

A screen shot of the specimen of use for Cantina Thins is shown on the following page.

[The remainder of this page is blank.]



As with other applications, the Examining Attorney used examples of THIN to support his disclaimer requirement for THINS. Even though the Examiner's thought process appeared to be accurate his examples were not as solid as desired. He could have easily found twenty or more THINS products on the Internet and relied upon those to support a genericness claim if he knew that THINS were a category of baked goods. Since the date of the CANTINA THINS Office Action there have been no new marks registered with the word "thins" by itself (as compared to a compressed mark such as BARKTHINS.)

Based on my experience and the research I have conducted for this matter I do not believe that there is a sufficiently consistent pattern of disclaimer administration at the USPTO for trademark applications containing the word THINS so as to yield valuable information to help guide a decision as to whether THINS should be disclaimed in the present matter. Although the Examining Attorney for COOKIE THINS has correctly identified the issues, her Office Action was dated April 11, 2014 and the Applicant has until October 11, 2014 to reply or seek an

extension. At the present it is impossible to tell how this issue will be resolved. The bottom line is that the Examiners need to be educated that THINS are not simply a plural of THIN or more-than-one THIN but are a category of baked goods manufactured by over fifty different companies as well as baked goods that many Americans make in their own homes. Hopefully the decision rendered in this matter will provide that education and the foundation for proper genericness/descriptiveness rejections and disclaimer requirements for future “thins” marks.

### **Analysis of Internet Research**

Thirty-four (34) web sites were found using the word “thins” as either the name of a type of bakery product or as a generic term (usually associated with recipes) for thin, crisp bakery items. (Exhibit F) Most of the branded products found through Internet research had previously been identified through the newspaper and magazine research. Five of the products found on the Internet had a “shopping cart” associated with the product allowing the customer to immediately purchase the product. The thirty-four products that were found were: (“SC” indicates that a shopping cart was available for this product.)

- Anna's Original Ginger Thins (SC)
- Arnold Sandwich Thins Rolls
- barkTHINS
- Artisan Nut Thins
- Nut Thins
- Brownberry Sandwich Thins Rolls
- Chia Thins (SC)

- Coffee Thins
- Frans Chocolate Thins (SC)
- Almond Thins (generic use for a cookie recipe)—2 uses
- Brownie Thins (generic use for a cookie recipe)—2 uses
- Chocolate-Mint Thins (generic use for a cookie recipe)
- Lemon Thins (generic use for a cookie recipe)
- Mint Thins (generic use for a cookie recipe)
- Sandwich thins (generic use for various bread products)—2 uses
- Whey Thins
- Keebler Town House Pretzel Thins
- Newtons Fruit Thins
- Nonni's THINaddictives Cranberry Almond Thins
- Cantina Thins Tortilla Chips (SC)
- Pepperidge Farm Pretzel Thins
- Recchiuti Peppermint Thins (SC)
- Rold Gold Garlic Parmesan Flavored Pretzel Thins
- Sea Salt Thins
- Sesmark Rice Thins
- Thomas' 100% Whole Wheat Bagel Thins Bagels
- Trader Joe's Cookie Thins
- Cinnamon Honey Wheat Thins (cookie recipe)

- Flax & Fiber Sandwich Thins Rolls
- Honey Wheat Sandwich Thins Rolls
- 100% Whole Wheat Sandwich Thins Rolls
- Whole Grains White Sandwich Thins Rolls
- Multi-Grain Sandwich Thins Rolls
- Seedless Rye Sandwich Thins Rolls
- Wheat Thins

#### **Showing Genericness: How Many and From Where?**

As readers of TTAB opinions learn, the criteria required to render a mark generic are not exact and often depend upon the mark in question, the number of sources of generic use presented to the TTAB and the origin / credibility of the sources themselves. For instance, in April 2012 the TTAB issued its decision as to whether DOG GAMES (serial number 77571488) was generic. The Examining Attorney had provided four examples of generic use of “dog games.” The Board indicated that to prevail the Board must be presented with “clear evidence” and “The four clear examples of generic usage in this country of the term ‘dog games’ as referring to equipment as ‘pet toys’ is insufficient...”

In another opinion dated September 5, 2013 the Board rendered its decision regarding whether “footlong” for use on sandwiches (other than hot dogs) was generic. In that opinion the Board stated:

- “...it is common practice to introduce third-party use to demonstrate that a term is generic or descriptive.” (Page 13)

- “Extensive use of the term by restaurants offering identical goods is strong evidence that purchasers will not be able to differentiate between competing sources by viewing the term ‘Footlong.’ Such use by competitors is evidence of genericness.” (Page 28)

The Opposer in that matter introduced about twenty examples of competitors using “footlong”, over 100 newspaper, magazine and trade journal articles using “footlong” to describe various food products as well as recipes for making “footlong” breads and numerous Internet web sites that used the term “footlong” for various food products or sandwiches. The Board determined that “footlong” when used in connection with sandwiches, excluding hot dogs, was generic. (It does not appear that the legal assistant who prepared the declaration that included all the “footlong” materials tried to summarize the results or provide any type of table or chart showing individual uses and, therefore, many of the articles could possibly be discussing the same product as was found with WHEAT THINS in the present matter. It is possible that such a table or analysis was provided in another document. In the present matter, had all the WHEAT THINS articles that were identified been retrieved this report would have over 500 additional examples.)

Somewhere between four examples of generic use and hundreds of pages of Lexis/Nexis printouts rests the happy medium of sufficient proof to support a determination of genericness. The conclusions and opinions in this report are based on over one-hundred different uses by competitors of the Applicant or third-parties using “thins” for baked goods, or generic use of “thins” by members of the general public to describe the products created from their personal recipes.

The following three pages present in tabular form each of the 117 uses of “thins” found through the previously described research (magazines, newspapers, currently registered trademarks and Internet) as well as the source of the information. These examples include:

- competitors marketing THINS products made with rice or corn;
- competitors marketing THINS products made with ingredients other than rice or corn;
- individuals who bake “thins” products (such as Lemon Thins or Chocolate Thins); and
- generic use of “thins” where the writer is simply describing a thin, crisp bakery product.

[The remainder of this page is blank.]



1					
2	<b>Product Name</b>	<b>Appeared in Newspapers</b>	<b>Appeared in Magazines</b>	<b>Found at USPTO</b>	<b>Found on the Internet</b>
3	Almond Thins (generic)				x
4	Amazing Toffee Thins	x			
5	Andes Crème de Menthe thins	x			
6	Angel Sanzo's Chewy Toffee Thins	x			
7	Anna's Ginger Thins		x	x	
8	Anna's Swedish Thins				x
9	Arnold Select 100% Whole Wheat Sandwich Thins		x		
10	Back to Nature Sesame Ginger Rice Thins	x			
11	Back to Nature Tomato Herb Rice Thins		x		
12	Bagel Thins			x	
13	bagel thins (generic)	x			
14	Baked Potato Thins	x			
15	BarkThins			x	x
16	Blue Diamond Artisan Nut Thins	x	x		x
17	Blue Diamond Almond Nut Thins				x
18	Blue Diamond Hazelnut Nut-Thins	x			
19	Blue Diamond Honey-Nut Thins		x		
20	Blue Diamond Nut Thins	x			
21	Blue Diamond Pecan Nut-Thins	x			
22	Blue Thins			x	
23	Brownberry Sandwich Thins Rolls				x
24	Brownie Thins (generic)	x			x
25	butter thins (generic)	x			
26	Cantina Thins			x	
27	Carbsense Foods' Mini-Carb Soy Thins		x		
28	Cheddar & Cracked Black Pepper Thins		x		
29	Chocolate Mint Thins (generic)				x
30	chocolate thins (generic)	x			
31	Chia Thins				x
32	Coffee Thins			x	x
33	cookie thins (generic)	x			
34	Country Thins			x	
35	Doritos Thins	x			
36	Doritos Tortilla Thins	x	x		
37	Eagle's Spicy Fiesta Thins		x		
38	FalaFel Thins			x	
39	falfel-nut thins (generic)	x			
40	Finn Crisp Thins		x		

[This record continues on the following page.]

41	Food Doctor's Crisp Thins		x		
42	Frans Chocolate Thins				x
43	Frito-Lay's Doritos Tortilla Thins	x			
44	Garden Chicken Thins			x	
45	ginger thins (generic)	x			
46	golden-brown thins (generic)	x			
47	Gourmet Thins			x	
48	Grillin' Thins			x	
49	Herbed sourdough thins (generic)	x			
50	Isagenix Whey Thins				x
51	Keebler Town House Pretzel Thins				x
52	Jacob's Thins		x		
53	Lemon Thins (generic)	x			x
54	Mary's Gone Crackers and Nut Thins		x		
55	Mint Thins (generic)	x			x
56	Moravian Ginger Thins (generic)	x			
57	Nabisco Lime Wheat Thins		x		
58	Nabisco Pita Thins Toasted Chips	x			
59	Nabisco Rice Thins		x		
60	Nabisco Vegetable Thins	x			
61	Nature Valley Granola Thins	x	x		
62	Nature Valley Peanut Butter Granola Thins	x			
63	Newtons Fruit Thins	x		x	x
64	Nonni's Thinaddictives Cinnamon Raisin Almond Thins		x		x
65	Nut Thins	x	x	x	
66	Nutri-Choice Thins		x		
67	On The Border Southwest Thins		x		x
68	Orange Thins (generic)	x			x
69	Pepperidge Farms Savory Cheddar Pretzel Thins	x			
70	Pita Thins	x		x	
71	Pita Thins Toasted Chips	x			
72	Pittsburgh Pretzel's Super Thins	x			
73	Pocket Thins			x	
74	potato thins (generic)	x			
75	pretzel thins (generic)	x			
76	Publix Original Thins Potato Chips	x			
77	Qthins			x	
78	Real Foods of Australia Corn Thins		x		
79	Recchiuti Peppermint Thins				x
80	Reisman's Pretzel Thins	x			

[This record continues on the following page.]

81	rice thins (generic)	x			
82	Ritz Munchables Butter Thins	x			
83	Riuchter's Sesmark Rice Thins		x		
84	Rold Gold Classic Style Thins	x			
85	Rold Gold Classic Thins	x			
86	Rold Gold Pretzel Thins		x		x
87	Rude Health's Oaty Thins		x		
88	Ryvita Thins		x		
89	Ryvita Thins Bites		x		
90	Sandwich Thins	x	x	x	x
91	sandwich thins (generic)	x			x
92	Sea Salt Thins				x
93	Sesame Thins (generic)	x			
94	Sesmark Rice Thins				x
95	Shearer's Pretzel Thins		x		
96	Stacy's Prezel Thins	x	x		
97	Stoned Wheat Thins			x	
98	Sundried Tomato & Herb Thins		x		
99	Sunset Brands Cheese Thins		x		
100	super-crisp thins (generic)	x			
101	Sweet Chili Thins		x		
102	Sweet Thins			x	
103	Thinny Thin Thins			x	
104	thins (generic)	x	x		
105	Thins Inn			x	
106	Thomas 100% Whole Wheat Bagel Thins Bagels				x
107	Toffee Crunch Thins	x			
108	tortilla thins (generic)	x			
109	Tostitos Thins		x		
110	Trader Joe's Cookie Thins				x
111	Triscuit Chile Pepper Thins Crisps	x			
112	Vegetable Thins	x		x	
113	Vienna Fingers Mint Fudge Thins	x			
114	wafer-thins (generic)		x		
115	Walker's Shortbread Thins		x		
116	Water Thins			x	
117	Weelicious Cinnamon Honey Wheat Thins				x
118	Wheat Thins	x	x	x	x
119	William Poll Baked Potato Thins	x	x		

\*\*\*\*\*

In addition to the extensive third-party and generic use of THINS for baked goods that has been presented, a web site (yummly.com) has an entire section devoted to BAKED THINS RECIPES. The following four pages are screen shots from that web site. Recipes are provided for:

- Spiced Thins
- Almond Thins
- Homemade Wheat Thins
- Cheese Thins
- Pistachio Thins
- Ginger Maple Thins
- Peppermint Brownie Thins

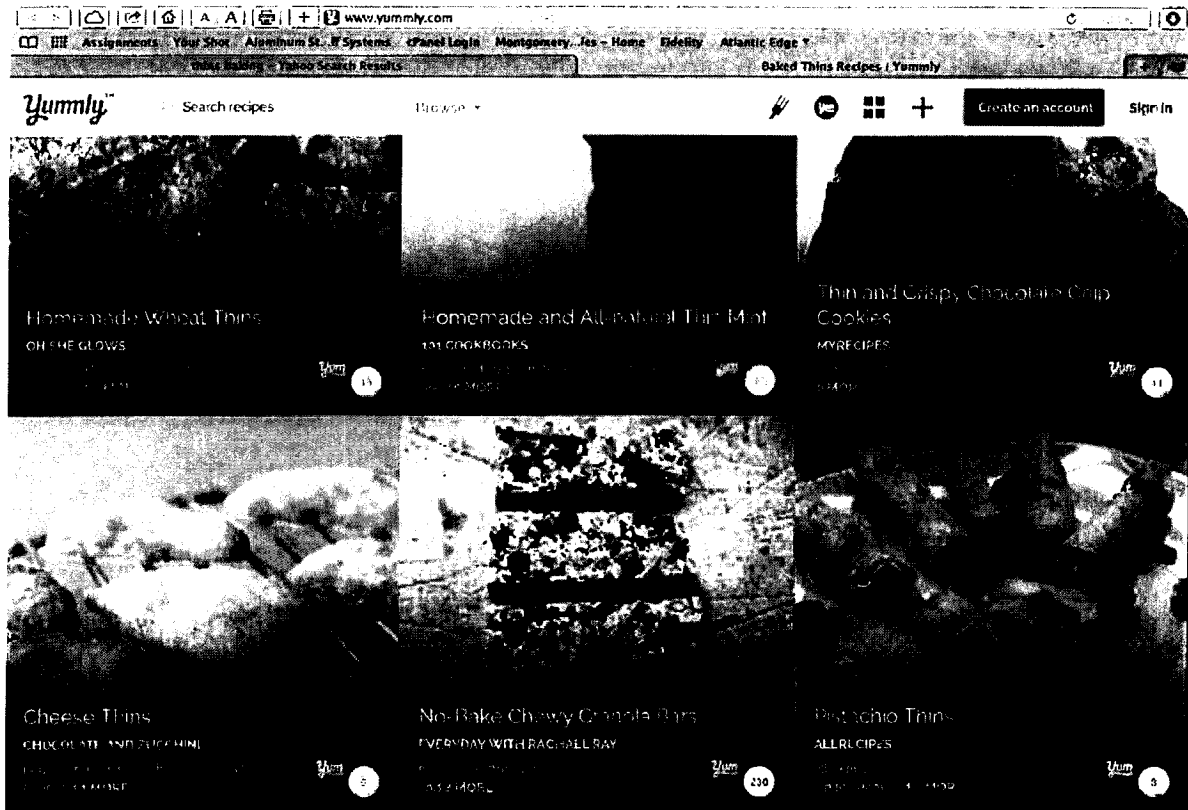
[The remainder of this page is blank.]



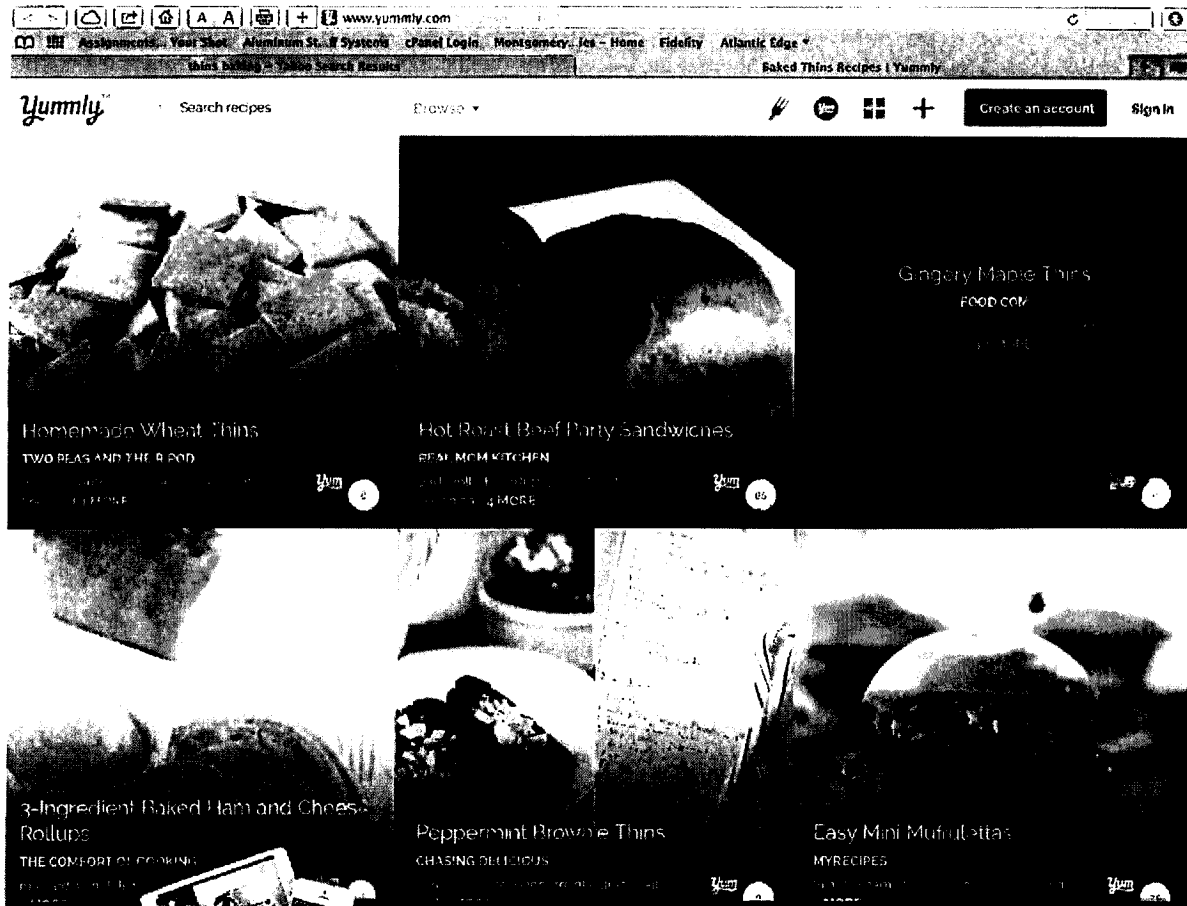
[This record continues on the following page.]



[This record continues on the following page.]



[This record continues on the following page.]



\*\*\*\*\*

## Summary, Conclusions and Opinions

There does not appear to be a record of when the first use was made of THINS for a bakery product such as a cracker, chip or crisp bread. A *New York Post* article describes matzos as "The golden, super-crisp thins" (Exhibit B, Newspaper Article #52) which would place the first "thins" in Egypt over 4,000 years ago!



The original WHEAT THINS registration (Registration Number 1022799) indicates a date of first use of December 31, 1947. Since that date literally hundreds of THINS baked food products have been introduced to the American market place and nearly forty Federal trademark registrations have been issued in International Class 30 for marks containing the word THINS. Today over 100 different baked food products containing the word THINS as part of the brand name are available to the American consumer. The companies selling these various THINS products compete with each other in the snack food market segment and it is not be uncommon to find several THINS baked good items in the same store and even in the same section of the store.

The USPTO uses a two-part test to determine whether a designation is generic: (1) what is the genus of the goods at issue? and (2) does the relevant public understand the designation primarily to refer to that genus of goods? The public's perception is the primary consideration in determining whether a term is generic. ("Footlong" Opinion, Page 19) The Board goes on to state, "Evidence of the public's understanding of a term may be obtained from any competent source, including testimony, surveys, dictionaries, trade journals, newspapers and other publications.

Defining the genus is the prerogative of the TTAB but based upon the currently active Federal trademark registrations, the genus encompassing the word THINS in International Class 30 appears to center around baked snack foods namely cookies, crackers, chips, crisps, crispbreads, wafers and biscuits. This definition also appears to be supported by the actual use of the word THINS in the marketplace. Although there are scattered uses of THINS for candies or sandwich breads, the overwhelming majority of uses of THINS are for baked goods such as

cookies and crackers. Nine (34%) of the twenty-six currently registered THINS trademarks in International Class 30 list “cookies” as the goods and eight (31%) list “crackers”. Six (23%) describe their THINS as being baked or a bakery product. Over 57% of the currently registered THINS marks in International Class 30 use at least one of these three terms to describe their THINS goods. (See “Goods description for International Class 30 currently registered THINS marks”)

[The remainder of this page is blank.]

Trademark	Goods Description
Wheat Thins	Crackers
Vegetable Thins	Crackers
Gourmet Thins	Crisp Bread
Garden of Eatin' Thins	Bread, Pastries, Biscuits, Cakes, Snack Food Products, Namely Crackers
Stoned Wheat Thins	Crackers
Sweet Thins	Baked Goods, namely cakes and cookies
Pita Thins	Flatbread
Nut Thins	Flour-based wafers with almonds or other nuts as an ingredient
Anna's Ginger Thins	Cookies, gingerbread biscuits, and biscuits
Thinny Thin Thins	Crackers
Sandwich Thins	Bread
Bagel Thins	Bakery products, not including cookies
Blue Thins	Cookies, biscuits, crackers
Grillin' Thins	Bread, namely buns and rolls
Falafel Thins	Wheat, Corn, fava beans and chick peas based snack chips
Newtons Fruit Thins	Cookies
Country Thins	Bakery Products
Pocket Thins	Bakery Goods
Qthins (2 Registrations)	Candy, Chocolate, cookies
Coffee Thins	Coffee based candy
Cantina Thins	Chips, namely tortilla chips
Bark Thins (2 Registrations)	Bakery goods, Chocolate Candies, Confection made of Sugar, cookies and crackers; snack cakes Snack Foods, namely chocolate-based snack foods. Snack mix consisting primarily of crackers, pretzels and/or popped popcorn.
Thin's Inn	Low Calorie flavored Gelatin Desserts and Rice Based Snack Bars and Cookies

Goods description for International Class 30 currently registered THINS marks.

Determining the public's perception of the word THINS does not seem to be an overly challenging given the abundance of THINS products in the marketplace. Based upon the research described in this report it appears that if queried the public would indicate that THINS are a category of baked goods that are (1) thin, (2) crispy, (3) considered a snack food, and (4) are not exclusively manufactured by one or even a small group of companies but are manufactured and sold by a wide variety of companies and contain a wide variety of ingredients.

Based upon my education, training, experience, and the research I conducted for this project, I have developed the following opinions.

*Opinion 1*

The word THINS is a very commonly used term within the broad category of baked goods that are often referred to as snack foods. The word THINS is used by competitors of the Applicant, the general public and members of the media to describe thinly sliced or thin-shaped snack foods such as crackers, cookies, wafers, biscuits, crispbreads or crisps.

*Opinion 2*

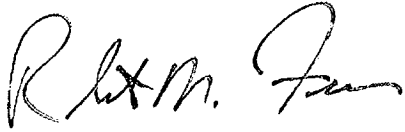
From the perspective of a professional trademark researcher, THINS is a generic /weak term that describes thinly sliced or thin-shaped snackfoods such as crackers, cookies, wafers, biscuits, crispbreads or crisps. The word THINS describes one or more of the unique features of these baked goods and helps differentiate these baked goods from other categories of baked goods such as bread, rolls or buns.

*Opinion 3*

The word THINS when used for snack foods such as crackers, cookies, wafers, biscuits, crispbreads or crisps does not indicate the origin or source of the snack food item. Additional terms (such as WHEAT, ALMOND, POTATO, or ROLD GOLD) must be added to THINS to differentiate one THINS product from another. The word THINS by itself is no more of an indicator of source than would be other baked goods terms such as bread, rolls, cupcake or cracker.

This report was completed on September 24, 2014

Expert's Report: Robert M. Frank

A handwritten signature in black ink, appearing to read "R. M. Frank". The signature is fluid and cursive, with the first name "R." and last name "Frank" being more prominent than the middle initial "M.".

Robert M. Frank, Ph. D.

Expert's Report: Robert M. Frank

## Exhibit A

Resume: Robert M. Frank, Ph. D

**Robert M. Frank, Ph.D.**

4450 South Park Avenue  
#1616  
Chevy Chase, MD 20815  
301-789-7685

[bob\\_frank@illuminor.com](mailto:bob_frank@illuminor.com)

**EDUCATION:**

**Ph.D.-University of Missouri-Columbia, 1979**

- Secondary Social Science Education
- Statistics & Research Methodology
- Psychology

**B.S., M.ED. -University of Missouri-Columbia, 1974, 1975**

**AWARDS AND CIVIC PARTICIPATION:**

- Recipient, **Honorary Doctorate** of Humane Letters, University of Missouri-St. Louis, December, 2006
- Recipient, **Outstanding Achievement Award**, University of Missouri – Columbia Alumni, Association, 1998 and 2006
- Recipient, **College of Education Dean's Award for the Innovative Uses of Technology in Education and Research Award**, University of Missouri - St. Louis, 2006
- Member, INTA *Famous and Well-Known Marks Committee*, 2012-2014; Chair, *Famous and Well-Known Marks Data and Trend Analysis Task Force*
- Member, INTA *Internet Committee, Online Trademark Use Subcommittee*, 2010-2011
- Member, INTA *Internet Committee, Online Trademark Use Subcommittee, Internet Fraud Working Group*, 2010-2011
- Member, INTA *Internet Registration Practice and DNS Administration Subcommittee*, 2007-2009
- Chair / Co-Chair International Trademark Association *US Patent and Trademark Office Automation Sub-committee*, 1990-1996
- Co-Chair International Trademark Association *Internet Domain Names Task Force*, 1991-1993
- Member, Board of Governors, International Trademark Association / Brand Names Education Foundation, 1992-1996
- Member, Texas Angel Investors, 1999-2001
- Member, Development Council, University of Missouri, 1994-1998
- Member, Dean's Cabinet, College of Education, University of Missouri 1994-1998
- Member, National Steering Committee, University of Missouri-Columbia 2000 to 2008
- Recipient "Outstanding Instructional Professor" awards from University of Missouri and Ithaca College

### **RELEVANT EXPERIENCE:**

With over 30 years experience in the trademark research field, Dr. Frank brings an unmatched wealth of knowledge to cases involving dilution, generic and descriptive trademarks. His research and expert witness services have been used for matters at the U.S. Patent and Trademark Office as well as District Courts in the United States. Having founded, in 1983, CORSEARCH, Inc. (currently known as CT-CORSEARCH), Dr. Frank has personally completed over 5,000 trademark research reports, has trained over 50 trademark researchers, has developed materials used to train over 100 additional trademark researchers and has reviewed an estimated 45,000 trademark searches. (The purpose of a trademark search report is to identify marks that are potentially confusingly similar to a proposed mark. Trademark research reports are one of the primary methods used by trademark practitioners to identify third-party uses of a mark.) Dr. Frank has personally designed, developed, configured and maintained proprietary databases specifically intended for searching and retrieving information related to trademarks.

In addition to his work at CORSEARCH, Dr. Frank has been an active member of the International Trademark Association (INTA) since 1985. He has attended more than 40 seminars, conferences and workshops on trademark-related issues sponsored primarily by INTA as well as organizations such as the Bar Association of the City of New York, The New York State Bar Association, the New Jersey Bar Association and the Dallas Bar Association. He has served as the co-chair of INTA's Patent and Trademark Office Automation Committee and INTA's Domain Name Task Force. He also has served as a member of the INTA Internet Registration Practice and DNS Administration Subcommittee, the INTA Internet Committee, Online Use Sub-Committee and Internet Fraud Working Group and currently serves as a member of the INTA Famous and Well-Known Marks Sub-Committee and is Chair of that sub-Committee's Data Trends and Analysis Task Force. He has testified and/or reported as an expert witness on trademark-related issues in infringement cases and neither his testimony nor his reports have ever been excluded by a court.

### **Prior Testimony**

#### **U.S. District Courts:**

- *Automobile Club of Southern California v The Autoclub, LTD*, 05CV 3940, Central District of California, Western Division. Retained by the Defendant. Services provided included research, declarations and an expert's report.
- *Isymphony Holdings Enterprises LLC v Steverson & Co., Inc. D/B/A ISymphony*. 4:07cv870, United States District Court Southern District of Texas, Houston Division. Retained by the Plaintiff. Services provided included research, declarations, an Expert's Report and courtroom testimony.
- *World Famous Pickle Corp et al v Crossing Delancey Pickle Enterprises Corp Et al*, 06-cv11471, US District Court—New York Southern. Retained by the Plaintiff. Services provided included research and declarations.



- Medpay v Medpay, 4:07cv1856, United States District Court for the Southern District of Texas. Retained by the Defendant. Services provided included research and the preparation of a report of findings.
- Xtreme Lashes LLC and Jourmana Mousselli v Xtended Beauty Inc. 4:07cv2460, United States District Court Southern District of Texas, Houston Division. Retained by the Plaintiff. Services provided included research and a declaration of findings.
- The Modern Group, LTD and Offshore Rental, LTD v Tiger Environmental and Rental Services, L.L.C. and Karl Comeaux 106cv0639, United States District Court, Eastern District of Texas, Beaumont Division. Services provided included research, the preparation of Expert's Report, the preparation of a Rebuttal Report and a Deposition.
- Festival Department Store v Festival Furniture LLC (3:07cv1451), U.S. District Court Texas Northern Division. Retained by the Plaintiff. Services included research, the preparation of an Expert's Report and Deposition. My report was filed on April 22, 2008.
- Homax Products, Inc. v. Homax, Inc. (4:08-cv-01560) U.S. District Court for the Southern District of Texas, Houston Division. Retained by the Defendant. Services provided included research and the preparation of a rebuttal report.
- National Envelope Corporation and National Envelope-WH LLC v American Pad & Paper Company of Delaware, Inc. and American Pad & Paper LLC. (1:06-CV-12988), U.S. District Court for the Southern District of New York. Retained by the Defendant. Services provided included research, site visits, the preparation of two Expert Reports (with DuPont Factors Analysis) the preparation of a rebuttal report and a deposition.
- Maker's Mark Distillery, Inc. v. Diageo North America, Inc., Tequila Cuervo La Rojena S.A. de C.V., Casa Cuervo, S.A. de C.V. and Jose Cuervo International, Inc. (3:03cv93-H) United States District Court, Western District of Kentucky, Louisville Division. Retained by the Defendant Jose Cuervo International. Services included research, site visits, the preparation of an Expert's Report (with Du Pont Factors Analysis), a Rebuttal Report and courtroom testimony.
- Square One Debt Settlement, LLC v. Square 1 Financial, Inc., United States District Court for the Southern District of Florida. (09cv22157) Retained by Plaintiff. Services included research and an Expert's Report.
- Bill Me Later, Inc. v. Modasolutions Corporation (1:08cv-00897) United States District Court for the District of Maryland. Retained by the Defendant. Services included Internet and proprietary database research, retail store site visits and the preparation of an Expert's Report.
- Dry Clean Super Center, Inc. v. KWIK Industries, Inc., United States District Court for the District of Colorado. (08cv578). Retained by the Plaintiff. Services included Internet

and proprietary database research, the preparation of an Expert's Report and deposition testimony.

- Solvi Brands, LLC v. United Brands Company, Inc. (10-cv-02453) United States District Court for the Northern District of Georgia. Retained by the Defendant. Services included Internet and proprietary database research and the preparation of an Expert's Report.
- Bobrick Washroom Equipment, Inc. v American Specialties, Inc., (10cv6938) United States District Court Central District of California, Western Division. Retained by the Plaintiff. Services included Internet research, preparation of an Expert's Report, deposition and courtroom testimony.
- E. & J. Gallo Winery v Proximo Spirits, Inc. et al., (10cv00411) United States District Court for the Eastern District of California, Fresno Division. Retained by the Defendant. Services included site visits, preparation of an Expert's Report and deposition testimony.
- Council on American-Islamic Relations Action Network, Inc. v. Deborah K. Schluskel et al., (11cv10061) United States District Court, Eastern District of Michigan, Southern Division. Retained by Defendant. Services included research and the preparation of an Expert's Report.
- Pacific Bioscience Laboratories, Inc. v. Nutra Luxe MD, LLC., (10cv02006) United States District Court for the Western District of Washington at Seattle. Retained by the Defendant. Services included research, preparation of an Expert's Report and deposition testimony.
- Youngblood Timepieces, Inc. v. Fossil, Inc. and Macy's Merchandising Group, Inc. (11cv08175) United States District Court, Central District of California. Retained by the Plaintiff. Services included research, preparation of an Expert's Report and deposition testimony.
- Healthier Choice Flooring, LLC v. CCA Global Partners, Inc., Carpet One, Inc., Dalton Carpet One Floor and Home, and Etowa Carpet One Floor and Home (11cv02504) United States District Court, Northern District of Georgia, Atlanta Division. Retained by the Defendants. Services included research and the preparation of an Expert's Report.
- Diageo North America, Inc. v Mexcor, Inc. and EJMV Investments, LLC (13cv00856) United States District Court Southern District of Texas, Houston Division. Retained by the Defendants. Services included research and the preparation of an Expert's Report.
- Florida International University Board of Trustees v Florida National University, Inc. d/b/a Florida National University Online Learning Campus (13cv21604) United States District Court, Southern District of Florida. Retained by the Defendants. Services included research, the preparation of an Expert's Report and deposition testimony.

- **Diageo North America, Inc. v Mexcor, Inc. and EIMV Investments, LLC (13cv00586)**  
United States District Court, Southern District of Texas, Houston Division. Retained by Defendants. Services included research and the preparation of an Expert's Report.

**U.S. Patent and Trademark Office:**

- Trademark Opposition at the U.S. Patent and Trademark Office for the trademark **KATONAH** (Serial #78-727052). Retained by the Opposer. Services provided included research.
- Response to a Final Refusal to Register for **NORTHPOLE OUTDOORS WITHOUT BORDERS** (Serial Number 78815692), U. S. Patent and Trademark Office. Retained by the Applicant. Services included research.
- Trademark Opposition at the U.S. Patent and Trademark Office for the mark **ALCAN SPRINGS** (Serial # 77-088129) Retained by the Applicant. Services provided included research and a Declaration.
- Trademark Opposition at the U.S. Patent and Trademark Office for the mark **ECO SELECT** (Serial #77-369300). Retained by Applicant. Research services were provided with respect to the use of the prefix ECO in the water treatment sector.
- Trademark Opposition at the U.S. Patent and Trademark Office for the mark **FREEDOM TOWER** (Serial Numbers 77023709, 77014817, 77001334 and 77116280). Retained by Opposer. Research services were provided with respect to the use of the mark **FREEDOM TOWER**.
- Trademark Opposition at the U.S. Patent and Trademark Office against the marks **MINERS** (Serial Number 77034407) and **SOUTHERN ILLINOIS MINERS** (Serial Number 77043344). Retained by the Opposer. Services included research, production of an Expert's Report, a Deposition and trial testimony.
- Trademark Opposition at the U.S. Patent and Trademark Office against the mark **GIH** (Serial Number 77790902) Retained by Opposer. Services included research and the production of an Expert's Report.
- Trademark Oppositions at the U.S. Patent and Trademark Office against the marks **BORN STRONGER** (Serial Number 77782211), **BORN STRONG** (Serial Number 77782195) and **BE STRONG** (Serial Number 77782193). Retained by the Opposer. Services included research and the production of Expert's Reports.
- Trademark Opposition at the U.S. Patent and Trademark Office against the mark **MY** (Serial number 85058346) and **MyBody** (Serial Number 85135592). Retained by Applicant. Services included research and the production of an Expert's Report.
- Trademark Opposition at the U.S. Patent and Trademark Office against the mark

KATNISS EVERDEEN (Serial number 85163636). Retained by Opposer. Services included research and the production of an Expert's Report.

- Trademark Opposition at the U.S. Patent and Trademark Office against two design marks (Serial Numbers 85/025647 and 85/04077). Retained by Opposers. Services included research, production of an Expert's Report, deposition testimony and the production of a Supplemental Report.
- Trademark Opposition at the U.S. Patent and Trademark Office against the mark DR. KIDSTRONG (Serial Number 85/095904). Retained by Opposer. Services included research and the production of an Expert's Report.

Non-U.S. Trademark Matters

- Israeli Trademark Office. Petition for Cancellation of Israeli Trademark Registration No. 187385 (Class 16) and Israeli Trademark Registration No. 187386 (Class 42) for the trademark GHI. Retained by the Petitioner. Services included research and the production of an Expert Declaration and courtroom testimony.
- Hong Kong Trademark Office. In the Matter of Trademark Application No 301366542 for "GHI" in Classes 16, 36 and 42 in the name of Gemology Headquarters, LLC (the "Applicant") and in the Matter of an Opposition thereto by Gemological Institute of America, Inc. (the "Opponent"). Retained by the Opposer. Services included research and the preparation of an Expert's Report.
- Canadian Trade-Mark Office, In the Matter of an Opposition to Application Number 1,446,354 for the mark GIIH and Application Number 1,348,637 for the mark GIIH GEMOLOGY HEADQUARTERS INTERNATIONAL & Design. Retained by the Opposer. Services included research, the production of Expert's Reports and Deposition Testimony.
- China Trademark Office, In the Matter of an Opposition to Application Number 7585421 for the mark GIIH. Retained by the Opposer. Services included research and the production of an Expert's Report.
- European Union, In the Matter of Community Trade Mark Application No. 8458631 for the mark GIIH. Retained by Opposer. Services included research and the production of an Expert's Report.
- India Trademark Office, In the Matter of Application No. 1777268 and in the matter of Opposition no. 773419 filed by Gemological Institute of America, Inc. Gemological Institute of America, Inc. v. Kalidas G. Jadhav trading as Gemmological Institute of Pune. Represented the Opposer. Services included research and the production of an Expert's Report.

- India Trademark Office, In the Matter of Application No. 1849521 and in the Matter of Application No. Gemological Institute of America, Inc. Opponent v. Gemology Headquarters International, LLC. Represented the Opposer. Services included research and the production of an Expert's Report.

### **PROFESSIONAL EXPERIENCE**

Illuminor LLC President	Chevy Chase, MD 2005-present
Bluespan, Inc. Founder and CEO	Austin, TX 2001-2006
MSI Holdings / Aperian, Inc. Chief Operating Office and Executive Vice President	Austin, TX 1999 - 2000
CORSEARCH, Inc. Founder, CEO and President	New York, NY 1983 - 1998
Tompkins-Cortland Community College Director of Institutional Research and Assistant to the President	Dryden, NY 1982-1983
Ithaca College Adjunct Professor	Ithaca, NY 1982 - 1983
Cornell University Research Associate and Associate Professor	Ithaca, NY 1979 - 1981
University of Missouri-Columbia Teaching and Instructional Associate	Columbia, MO 1977-1979
Southern Boone County Schools Secondary Social Studies Teacher	Ashland, MO 1975-1977

### **TRADEMARK PUBLICATIONS AND PRESENTATIONS**

- Report of the Internet Fraud Working Group, presented to the International Trademark Association's Internet Committee, October 2011.
- Using the Internet and Online Databases in Likelihood of Confusion, Generic, Descriptive or Dilution Cases, presented at the International Trademark Association Annual Meeting, May, 2011
- Using Expert Witnesses in Likelihood of Confusion, Dilution and Genericness Disputes, presented to Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, August 3, 2010

- Report of Tests Conducted to Uncover Instances of Front-Running on the Internet, Presented to the International Committee—Registration Practice & DNS Administration at the Annual Meeting of the International Trademark Association, May 20, 2008.
- Using Expert Witnesses in Trademark Infringement Litigation, Presented to the Dallas Area Paralegal Association, January 18, 2008
- Cybernames-Domain Name Issues and Conflicts in Cyberspace, Patent and Trademark Institute of Canada, Canadian Intellectual Property Review, Vol. 12, No. 2, August, 1996.
- Final Report--Phase I Report of the INTA Internet Task Force (co-author), The International Trademark Association, July, 1995.
- Much Ado About the Internet (A Primer) An INTA Bulletin Special Report (co-author), The International Trademark Association, February, 1995
- "Trademarks: Managing Risk and Asset Value," presented at Intellectual Property Management: Developing a Corporate Intellectual Property Strategy, April 6-7, 1998, New York, NY.
- "The Evolution and Future of Internet Domain Names", American Bar Association Annual Meeting, ABA/VLD Division, August 4, 1996, New York State Bar Association, Intellectual Property Law Section, September 14, 1996.
- "Current Status of Problems Involving Internet Domain Names and Trademark Conflicts", The New Jersey Trademark Circle, Bayonne, New Jersey, February 14, 1996; New York State Bar Intellectual Property Law Association, February 16, 1996
- "Domain Names and Trademark Infringement", National Science Foundation Conference (*Internet Names, Numbers and Beyond: Issues in the Coordination, Privatization, and Internationalization of the Internet*), The Kennedy School at Annenberg Program Offices, Washington, D.C., November 20, 1995.

#### **EDUCATIONAL PUBLICATIONS AND PRESENTATIONS**

- Frank, Robert M. *What I REALLY Learned in College* (Commencement Address, University of Missouri-St. Louis College of Education, December 17, 2006)
- Frank, Robert M. *Life Skills* (This paper was presented at the 2006 University of Missouri-St. Louis College of Education Alumni Association Awards Banquet, May 5, 2006)
- Frank, Robert M. *Attribute and Attitude Assessment of Community College Graduates and Leavers*, 1983. (This article was presented at the Annual Meeting of the American Educational Research Association, 67<sup>th</sup> Annual Meeting, Montreal, Canada)

- Frank, Robert M. Preparing IEPs for CBVE Programs, Vocational Aspects of Education, V34 n89 p83-87, Dec. 1982. ERIC #EJ 279011
- Frank, Robert M. *Individualizing Vocational Education*. Vocational Aspects of Education: V33, n84, p1-4, April, 1981. ERIC #EJ 250807.
- Frank, Robert *Instructional Planning. Final Report. ISSOE Managing Student Progress*, 1981. Cornell Institute of Occupational Education, Cornell University, Ithaca, NY ERIC # ED 217177.
- Dunn, James A., Frank, Robert M. *ISSOE: Managing Student Progress. Field Test. Phase I, Final Report*, 1980. Cornell Institute for Occupational Education, Cornell University, Ithaca, NY ERIC # ED 199527.
- Dunn, James A., Frank, Robert M., Ridley, Dennis. *Managing ISSOE Programs. Administrative Issues: Technical Report Number One*, 1980. Cornell Institute for Occupational Education, Cornell University, Ithaca, NY ERIC # ED 194747.
- Dunn, James A., Frank, Robert M., Ridley, Dennis, Carmichael, Mary Margaret, *Developing Student Profiles. ISSOE: Managing Student Progress*, 1980. Cornell Institute for Occupational Education, Cornell University, Ithaca, NY ERIC # ED 199517.
- Dunn, James A., Frank, Robert M., Ridley, Dennis, Carmichael, Mary Margaret, *Planning Student Progress. ISSOE: Managing Student Progress*, 1980. Cornell Institute for Occupational Education, Cornell University, Ithaca, NY ERIC # ED 199518.
- Dunn, James A., Frank, Robert M., Ridley, Dennis, Carmichael, Mary Margaret, *Reporting Student Progress. ISSOE: Managing Student Progress*, 1980. Cornell Institute for Occupational Education, Cornell University, Ithaca, NY ERIC # ED 199519.
- Dunn, James A., Frank, Robert M., Ridley, Dennis, Carmichael, Mary Margaret, *Student Decision Making. ISSOE: Managing Student Progress*, 1980. Cornell Institute for Occupational Education, Cornell University, Ithaca, NY ERIC # ED 199520.
- Dunn, James A., Frank, Robert M., Ridley, Dennis, Carmichael, Mary Margaret, *System Overview. ISSOE: Managing Student Progress*, 1980. Cornell Institute for Occupational Education, Cornell University, Ithaca, NY ERIC # ED 199521.
- Beuke, Vernon; Frank, Robert. *ISSOE Student Guidance and Development of Personalized Occupational Education Programs. Findings and Recommendations*, 1979. Cornell Institute of Occupational Education, Cornell University, Ithaca, NY ERIC # ED

Expert's Report: Robert M. Frank

## Exhibit B

Newspaper Articles: **Thins**



Newspaper Article # 1

**Title: STACY'S CREATES PRETZEL THINS**

Source: *The Record (Bergen County, NJ)*. (Feb. 16, 2014): Lifestyle: pBL02.

Document Type: Brief article, Column

Copyright: COPYRIGHT 2014 North Jersey Media Group Inc.

[www.northjersey.com/](http://www.northjersey.com/)

Full Text:

The best part of the pretzel is arguably the salty, crispy exterior. If only you could just eat that. Stacy's, the maker of all-natural pita and bagel chips, has a new line of Pretzel Thins (7-ounce bag \$3.99), taking the outside of pretzels and turning it into a crispy cracker that is perfect for spreading with gourmet cheeses or hummus. These baked snacks made with all-natural ingredients come in two flavors: Simply Naked, dotted with sea salt, and Honey Dijon, sweetened with organic honey. Available in the deli section of many grocery stores.

**Source Citation (MLA 7<sup>th</sup> Edition)**

"STACY'S CREATES PRETZEL THINS." *Record* [Bergen County, NJ] 16 Feb. 2014: BL02. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 2

Title: tidbits

Source: *Star Tribune (Minneapolis, MN)*. (Dec. 19, 2013): Lifestyle: p2T.

Document Type: Brief article

Copyright: COPYRIGHT 2013 Star Tribune Media Company LLC

<http://www.startribune.com/>

Byline: AL SICHERMAN

Dots enough Mr. Tidbit doesn't often mention holiday versions of grocery products, in part because they tend not to be all that interesting (Halloween Oreos with orange filling, for example), but mostly because by the time he notices them u and then by the time he remembers to mention them u the holiday is over.

[Unrelated information has been deleted.]

Speaking of things that hadnAEt grabbed Mr. TidbitAEs attention, it seems there are lots more kinds of Nut **Thins**, the nut-enhanced rice crackers from Blue Diamond, than he had noticed. In addition to the two he knew about (almond and pecan), there are five others u all containing almonds: Cheddar cheese, country ranch, pepper Jack cheese, hint of sea salt and Smokehouse (a trademarked name). As if that werenAEt enough kinds of Nut **Thins**, now there are three more, made with almonds and brown rice, and called Artisan Nut **Thins**. All feature seeds (but Mr. Tidbit canAEt imagine why that makes them artisanal). In any case, the three varieties are flaxseeds, sesame seeds (containing regular and black sesame seeds) and multi-seeds. That one contains sesame and black sesame seeds, flaxseeds, and quinoa, millet and amaranth seeds. All 10 kinds of Nut **Thins** are gluten-free. AL SICHERMAN

AL SICHERMAN

**Source Citation** (MLA 7<sup>th</sup> Edition)

"tidbits." *Star Tribune* [Minneapolis, MN] 19 Dec. 2013: 2T. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 3

Title: Buffalo-style 'wings' that don't bite back

Source: *Daily Herald (Arlington Heights, IL)*. (Sept. 4, 2013): Lifestyle: p2.

Document Type: Brief article

Copyright: COPYRIGHT 2013 Paddock Publications

Full Text:

HotHotHotHotHot! It burns!

That was my reaction the first time I tried Buffalo chicken wings in a restaurant. I like chicken, but this was too hot for me to handle.

Buffalo wings are not the wings of buffalo, but chicken wings that are cooked in sauce made of cayenne pepper, hot sauce and melted butter or margarine. They started in Buffalo, N.Y., honestly, and a common place given as the birthplace of the recipe is the Anchor Bar in Buffalo, hence the name Buffalo wings.

[Unrelated information has been deleted.]

When I brought home a box of Buffalo wing-flavored wheat crackers I could see the wheels turning in Jerome's head. On a recent trip to the grocery store we also discovered Buffalo flavored potato chips and pretzel thins, so we had plenty of breading options with which to experiment.

We decided to bake these, so they're also healthier than wings cooked in buttery sauce. If you can handle the heat, add cayenne pepper to the crackers or a few shakes of hot pepper sauce to the milk.

\* Jerome Gabriel, an eighth-grader, has been helping in the kitchen since he could hold a spoon. His mom, Deborah Pankey, is food editor for the Daily Herald. Write to him at [food@dailyherald.com](mailto:food@dailyherald.com).

**Source Citation** (MLA 7<sup>th</sup> Edition)

"Buffalo-style 'wings' that don't bite back." *Daily Herald* [Arlington Heights, IL] 4 Sept. 2013: 2. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 4

Title: tidbits

Source: *Star Tribune (Minneapolis, MN)*. (June 27, 2013): Lifestyle: p2T.

Document Type: Brief article

Copyright: COPYRIGHT 2013 Star Tribune Media Company LLC

<http://www.startribune.com/>

Full Text:

Byline: AL SICHERMAN

Flavor Infusers In the not-too-distant past, a marinade was something you mixed up yourself, often with family-secret ingredients, to flavor and perhaps tenderize meat before cooking it

[Unrelated information has been deleted.]

There are two new flavors of Newtons Fruit **Thins**, the cookies that are like round graham crackers containing a little oatmeal and tiny bits of dried fruit. Mr. Tidbit ordinarily wouldn't mention this development, except that one of the new flavors is coconut, which gave him pause: Coconut is a fruit? Apparently so. Mr. Tidbit learned that coconut is a drupe (a fruit with a stony covering enclosing the seed; a peach is one). He must acknowledge that calling the new flavor Newtons Drupe **Thins** would not have helped much. AL SICHERMAN

AL SICHERMAN

**Source Citation** (MLA 7<sup>th</sup> Edition)

"tidbits." *Star Tribune* [Minneapolis, MN] 27 June 2013: 2T. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 5

Title: tidbits

Source: *Star Tribune (Minneapolis, MN)*. (June 13, 2013); Lifestyle: p2T.

Document Type: Brief article

Copyright: COPYRIGHT 2013 Star Tribune Media Company LLC

<http://www.startribune.com/>

Full Text:

Byline: AL SICHERMAN

OreoAEs sure bet It has been three whole months since the last new version of Oreos. Mr. Tidbit was beginning to worry that when Kraft split in two last year and OreoAEs parent, Nabisco, went with the half of the company thatAEs now called Mondelez, the silly-cookie gene was somehow disrupted. He need not have been concerned. Not only is the newest olimited editiono Oreo perfectly silly, it even has a silly name.

[Unrelated information has been deleted.]

Nature Valley lists three protein bars, nine crunchy bars, five Sweet & Salty Nut bars, three Granola **Thins**, four Chewy Trail Mix bars, two Roasted Nut Crunch bars and three yogurt bars. ThatAEs 29 kinds of Nature Valley bars. General MillsAE total: 42 bars. Over at KelloggAEs, there are eight Fiber Plus bars (including, yes, two new protein bars), 26 Special K bars (seven cereal bars, two protein granola bars, seven Pastry Crisp bars, eight protein meal bars and two protein snack bars) and 10 Nutri-Grain bars, including two new Crunch bars. KelloggAEs total: 44 bars. Wow. AL SICHERMAN

AL SICHERMAN

**Source Citation** (MLA 7<sup>th</sup> Edition)

"tidbits." *Star Tribune* [Minneapolis, MN] 13 June 2013: 2T. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 6

Title: There's something saucy sizzling in St. Johns restaurant; It's Mexican food that can be described as family-friendly

Author(s): Jay Magee

Source: *The Florida Times Union*. (Apr. 4, 2013): News: pD.

Document Type: Article

Copyright: COPYRIGHT 2013 The Florida Times-Union

Full Text:

Byline: Jay Magee

The folks behind the new Saucy Taco have a good thing cooking in the Julington Village shopping center. They have remade a revolving-door storefront with a mix of craft beer, vintage automotive decor, flat screens and a friendly Mex menu dripping in good tastes.

[Unrelated information has been deleted.]

While you won't find sweet things on the menu, our server was well versed in the desserts. We chose the Fried Oreos with vanilla ice cream (\$5.99) and the Caramel Delight, churro-type tortilla thins dusted in cinnamon with a caramel dipping sauce (\$4.99). The Oreos resembled four beignets and were hard to put down. The thins were the better bet for large-group sharing and were light and crisp.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

Magee, Jay. "There's something saucy sizzling in St. Johns restaurant; It's Mexican food that can be described as family-friendly." *Florida Times Union* 4 Apr. 2013: D. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 7

Title: Area tops chefs get set to square off

Source: *Telegram & Gazette (Worcester, MA)*. (Jan. 17, 2013): Lifestyle: p4.

Document Type: Article

Copyright: COPYRIGHT 2013 Worcester Telegram & Gazette

<http://www.telegram.com/>

Full Text:

Byline: Barbara M. Houle

COLUMN: TABLE HOPPIN'

Let the competition begin!

Participating chefs are fired up for the sixth annual Worcester's Best Chef event scheduled for Jan. 27 in Mechanics Hall, 321 Main St., Worcester.

[Unrelated information has been deleted.]

Weight Watchers has endorsed a branded product in the bread aisle - Arnold Sandwich Thin rolls.

Each of the six flavors of Sandwich **Things** is 100 calories, baked with whole grains and has a PointsPlus value of 3 per roll, making it easier for anyone following Weight Watchers or counting calories.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"Area tops chefs get set to square off." *Telegram & Gazette* [Worcester, MA] 17 Jan. 2013: 4. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 8

Title: Fruit's popularity on the rise, snack study shows

Source: *Daily Herald (Arlington Heights, IL)*. (Jan. 16, 2013): News: p4.

Document Type: Article

Copyright: COPYRIGHT 2013 Paddock Publications

Full Text:

Every time I head to the grocery store I see evidence that snacking is on the rise. On my last trip alone I spotted snack packs of seasoned nuts, cookie thins and peanut pretzels on the shelves. Seems you cant buy anything that doesnt also come packaged in individual or 100-calorie portions.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"Fruit's popularity on the rise, snack study shows." *Daily Herald* [Arlington Heights, IL] 16 Jan. 2013: 4. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*



Newspaper Article # 9

Title: Gluten or dairy avoider on guest list? Here's some help

Source: *The Denver Post (Denver, CO)*. (Nov. 14, 2012): News: p1C.

Document Type: Article

Copyright: COPYRIGHT 2012 The Denver Post

<http://www.denverpost.com/>

Full Text:

Byline: Susan Clotfelter

It's finally happened: There's a guest coming for your Thanksgiving dinner who can't eat wheat. Celiac, gluten-intolerant, grainiac, whatever it is they're calling themselves these days.

[Unrelated information has been deleted.]

**Appetizers**

A classic relish tray of veggies, pickles and olives is pretty safe; cheeses are self-explanatory. If you're looking for crackers, the ones I've found most palatable to guests who aren't gluten-free are Nut **Thins** (they also hold up to a tough cheese spread).

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"Gluten or dairy avoider on guest list? Here's some help." *Denver Post* [Denver, CO] 14 Nov. 2012: 1C. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 10

Title: Everything's coming up pumpkin, from Pop Tarts to Pringles to ... air freshener?

Source: *Pittsburgh Post-Gazette (Pittsburgh, PA)*. (Oct. 18, 2012): Business News:

Document Type: Article

Copyright: COPYRIGHT 2012 Pittsburgh Post-Gazette

<http://www.mcclatchy.com/>

Full Text:

Byline: Gretchen McKay

Oct. 18--Is it just me, or is pumpkin taking over? I was fine with seasonal pumpkin products such as pumpkin bread and pumpkin roll.

[Unrelated information has been deleted.]

If you'd rather wake up to a bagel, Brueggers, Einsteins and Panera Bread all feature pumpkin varieties this time of year. So does muffin-maker Thomas', though its Pumpkin Spice bagels and bagel thins are a far cry from the chewy-on-the-outside, fluffy-on-the-inside taste you love in a fresh bagel hot out of the oven. It also has a Pumpkin Spice English Muffin. Pepperidge Farms, meanwhile, celebrates fall with its seasonal Pumpkin Spice Swirl bread.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"Everything's coming up pumpkin, from Pop Tarts to Pringles to ... air freshener?" *Pittsburgh Post-Gazette* [Pittsburgh, PA] 18 Oct. 2012. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 11

Title: Lawsuit forces general mills to defend the accuracy of its 'natural' labeling

Author(s): Stephanie Strom

Source: *The New York Times*. (July 27, 2012): Business News: pB7(L).

Document Type: Article

~~The New York Times~~

Copyright: COPYRIGHT 2012 The New York Times Company

<http://www.nytimes.com>

Full Text:

Two California mothers are suing General Mills, claiming the giant food company has deceptively marketed its Nature Valley products as natural when they contain highly processed ingredients.

[Unrelated information has been deleted.]

Ms. McKendrick had been feeding her daughter what she thought was a wholly natural diet for some time but some lingering anxiety persisted, she said.

During that time, she had purchased Nature Valley Chewy Trail Mix Fruit & Nut Granola Bars, Nature Valley Sweet & Salty Nut Cashew Granola Bars and Nature Valley Dark Chocolate and Peanut Butter Granola **Thin**s for her daughter believing that the "100% Natural" on the box meant they no processed ingredients in them.

Finally, after more research and scouring her Feingold Program Foodlist, a guidebook for people treating mental disorders with diets, she realized the Nature Valley products had processed ingredients in them. "I was shocked," Ms. McKendrick said. "It's false advertising."

**Source Citation** (MLA 7<sup>th</sup> Edition)

Strom, Stephanie. "Lawsuit forces general mills to defend the accuracy of its 'natural' labeling." *New York Times* 27 July 2012: B7(L). *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 12

Title: Reminders That a Cookie Goes Beyond the Fig

Author(s): Andrew Adam Newman

Source: *The New York Times*. (May 1, 2012): Business News: pB2(L).

Document Type: Article

~~The New York Times~~

Copyright: COPYRIGHT 2012 The New York Times Company

<http://www.nytimes.com>

Full Text:

NABISCO, the subsidiary of Kraft Foods, has rarely taken a cookie-cutter approach when it comes to marketing the fig roll introduced in 1891 as the Newton.

[Unrelated information has been deleted.]

A new advertising campaign highlights new fruit flavors of Newtons, as well as Newtons Fruit Thins, a line of crispy cookies introduced last year.

[Unrelated information has been deleted.]

At the same time, the brand introduced the Newtons Fruit Thins line of crisp cookies, a version of which Kraft has marketed in Canada since 2005 as Lifestyle Selections, under the Peek Freans brand.

Declines were swiftly reversed, primarily because of the new Fruit Thins.

Revenue for the 52 weeks that ended April 15 totaled \$106.4 million for traditional Newtons, up 0.6 percent, while the fruit thins, which were not widely available for the entire 52 weeks, totaled \$47.7 million, according to data from the SymphonyIRI Group, whose totals do not include Walmart stores.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

Newman, Andrew Adam. "Reminders That a Cookie Goes Beyond the Fig." *New York Times* 1 May 2012: B2(L). *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 13

Title: These finds will tickle a foodieAEs fancy

Source: *The Gazette (Colorado Springs, CO)*. (Mar. 28, 2012): Lifestyle: pFood1.

Document Type: Article

Copyright: COPYRIGHT 2012 The Gazette (Colorado Springs, CO). The Gazette

Full Text:

Byline: TERESA J. FARNEY THE GAZETTE

Sometimes I stumble upon a new-to-me food that I think other foodies should know about. As a reminder of what IAEve found, I save the empty product bags, jars and containers. Today, IAEve gathered my stash and IAEm ready to fill you in.

[Unrelated information has been deleted.]

o Better-tasting butter

IAEm a fan of butter, especially Land O Lakes unsalted butter. I use it every morning to spread on toast or one of those blueberry bagel thins. I recently picked up a container of the Cinnamon Sugar Butter Spread. Now, it has become my pick for zipping up my morning toast choice. IAEve also used it to jazz up steamed carrots or a pan of couscous. ItAEs great to swirl in a bowl of hot oatmeal, too. I found it at Kings Soopers in the same place where butter is stocked.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"These finds will tickle a foodieAEs fancy." *Gazette* [Colorado Springs, CO] 28 Mar. 2012: Food1. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 14

Title: tidbits

Source: *Star Tribune (Minneapolis, MN)*. (Mar. 1, 2012): Lifestyle: p2T.

Copyright: COPYRIGHT 2012 Star Tribune Media Company LLC

<http://www.startribune.com/>

Byline: AL SICHERMAN

Breakfast biscuits?

Has it been almost a year since Nabisco introduced Newtons Fruit **Thins**, the cookies that Mr. Tidbit described as round graham crackers with a little oatmeal and tiny bits of dried fruit? It has, so perhaps Mr. Tidbit should underline part of that description: Notwithstanding the Newtons name, Newtons Fruit **Thins** do not have a fruit filling; the fruit is tiny dried bits.

With that much time behind us, it's no surprise that Nabisco has a new product that Mr. Tidbit would say seems related to those Newtons Fruit **Thins** cookies. No, it's not Newtons Fruit Thick cookies. It's belVita breakfast biscuits, in three flavors.

What's a "breakfast biscuit," you ask? The answer would seem to be a whole-grain cookie enhanced with 10 percent of four vitamins and described as "part of a balanced breakfast." Although Mr. Tidbit would say that the dining experience is similar to that provided by Fruit **Thins**, right down to the fruit bits in one flavor, the vitamin enhancement in belVitas isn't the only difference: belVitas' first ingredient is a whole-grain blend of rolled oats and rye flakes (or, in one flavor, whole grain wheat flour); that of Fruit **Thins** is unbleached enriched flour. And belVitas are larger, thicker and oval-shaped.

Additionally, whereas Newtons Fruit **Thins** cookies come in a 10.5-ounce box containing about 30 cookies, belVita breakfast biscuits come in an 8.8-ounce box containing five 1.76-ounce packs of four biscuits each. But ounce-for-ounce the caloric, fat and sugar contents are virtually identical.

Mr. Tidbit assumed, of course, that the new belVitas would cost more per ounce than the Fruit **Thins**. No, they don't! At one store Fruit **Thins** clocked in at 45 cents an ounce and belVitas were 42 cents an ounce. You could have knocked Mr. Tidbit over with a breakfast biscuit.

**Source Citation** (MLA 7<sup>th</sup> Edition)

"tidbits." *Star Tribune* [Minneapolis, MN] 1 Mar. 2012: 2T. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 15

Title: Reading Eagle, Pa., Kelly's Korner column

Source: *Reading Eagle (Reading, PA)*. (Feb. 20, 2012): Business News:

Document Type: Column

Copyright: COPYRIGHT 2012 Reading Eagle

<http://www.mcclatchy.com/>

Full Text:

Byline: Dan Kelly

Feb. 20--When we went over the river and through the woods to my grandmother's house on Teesdale Street in the Mayfair section of Philadelphia it was like going to a museum of modern technology, with a great cafeteria concessionaire. Nana usually would make roast beef and mashed potatoes for dinner. She never served controversial vegetables, like the spinach, broccoli and Brussels sprouts that my mom tried to cram into me during the week. There were also two bottomless bowls on the coffee table in the living room, one filled with Wise potato chips, the other with Reisman's Pretzel **Thins**. My Uncle Howard worked for Coca-Cola, so the old Westinghouse fridge in the basement was always filled with Coke and 7UP in the old glass bottles.

[Unrelated information has been deleted.]

Source Citation (MLA 7<sup>th</sup> Edition)

"Reading Eagle, Pa., Kelly's Korner column." *Reading Eagle* [Reading, PA] 20 Feb. 2012. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 16

Title: tidbits

Source: *Star Tribune (Minneapolis, MN)*. (Oct. 27, 2011): Lifestyle: p2T.

Document Type: Brief article

Copyright: COPYRIGHT 2011 Star Tribune Media Company LLC

<http://www.startribune.com/>

Full Text:

Byline: AL SICHERMAN

Great news for starch lovers

Mr. Tidbit sometimes feels bad that he spends so much time pointing out the negative aspects of new food products, so he was happy when he encountered one about which he could be positive.

[Unrelated information has been deleted.]

There's a new development in the world of so-called sandwich thins -- very thin rolls, sliced so each can make a sandwich. From Pepperidge Farm comes Goldfish sandwich bread: goldfish-shaped thin buns, each with a baked-in trademarked smile.

AL SICHERMAN

Source Citation (MLA 7<sup>th</sup> Edition)

"tidbits." *Star Tribune* [Minneapolis, MN] 27 Oct. 2011: 2T. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*



Newspaper Article # 17

Title: tidbits

Source: *Star Tribune (Minneapolis, MN)*. (Oct. 13, 2011): Lifestyle: p2T.

Document Type: Brief article

Copyright: COPYRIGHT 2011 Star Tribune Media Company LLC

<http://www.startribune.com/>

Full Text:

Byline: AL SICHERMAN

Never sausage a deal?

Here's a new convenience product that at first glance might not cost more than the convenience is worth: Jimmy Dean fully cooked sausage crumbles, in resealable bags.

[Unrelated information has been deleted.]

Sizing down the Ritz

Nabisco now has a second Munchables item under its Ritz cracker brand. (Munchables are not small Ritz crackers; those are Ritz Bits, in many varieties.) The first Ritz Munchables were Pretzel Crisps. Now there's Ritz Munchables Buttery **Thins**. These look like little versions of regular Ritz crackers, a little larger than Ritz Bits, but thinner -- almost wafer-like -- and with a texture that leans toward shortbread.

Where Mr. Tidbit bought them, the inverted-pyramid 12.25-ounce box of Munchables Buttery **Thins** was \$3.59 (29.3 cents an ounce), and the 16-ounce box of regular Ritz crackers was ..

[Unrelated information has been deleted ]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"tidbits." *Star Tribune* [Minneapolis, MN] 13 Oct. 2011: 2T. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 18

Title: New batch of cookbooks signals baking season

Source: *Daily Herald (Arlington Heights, IL)*. (Oct. 12, 2011): Lifestyle: p5.

Document Type: Article

Copyright: COPYRIGHT 2011 Paddock Publications

Full Text:

I don't need the calendar to tell me baking season has arrived; the stack of cookbooks piling higher on my desk has done that for me.

[Unrelated information has been deleted.]

The Cookiepedia by Stacy Adimando: Everyday with Rachael Ray's deputy lifestyles editor put together this totally fun, user-friendly collection of classic cookies. Recipe categories include buttery, chocolaty, fancy, fruity, spicy and nutty and seedy. Paging through the book reveals tempting recipes for Mint Thins and Lemony Chewies alongside advice for decorating with flair and suggested variations. (Quirk, \$18.95)

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"New batch of cookbooks signals baking season." *Daily Herald* [Arlington Heights, IL] 12 Oct. 2011: 5. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 19

Title: Sylvia Says: Nut-**Thins** good whether you need gluten-free or not  
Source: *St. Joseph News-Press (St. Joseph, MO)*. (Sept. 17, 2011): Business News:  
Document Type: Brief article

Copyright: COPYRIGHT 2011 St. Joseph News-Press (St. Joseph, MO)  
<http://www.mcclatchy.com/>

Full Text:

Byline: Sylvia Anderson

Sept. 17--Gluten-free seems to be this year's buzzword when it comes to food. (Gluten is the protein found in wheat and a few other grains.) You'll find gluten in a large variety of things including beer, bread, candy, cereal, processed lunchmeat, salad dressing, soup and crackers. If you are gluten intolerant, this is rough. So food manufacturers are rising to the challenge by producing a slew of new gluten-free products. Some are surprisingly good, including the new Nut-**Thins** crackers by Blue Diamond Natural. They are primarily made with rice flour and nuts and come in almond, smokehouse almond, pecan, hazelnut, country ranch almond and cheddar cheese almond flavors. I tried the hazelnut and the almond cheddar cheese Nut-**Thins**. Both have a crispy, crunchy texture, something like a cross between a chip and a cracker. They are firm enough to use as a cracker, but thin and crispy enough to eat like a chip. The hazelnut **Thins** have a mild, neutral taste, kind of like a white corn tortilla chip, only better. It would make a great dipper for salsa or cheese dip. The flavor of the almond cheddar cheese **Thins** reminded me of Bugles, the snack by General Mills. Again, I like the **Thins** better, and they taste good enough to eat alone. They also have 3 grams of protein per serving (about 16 crackers) no trans fat and are only 130 calories. So even if you are not gluten intolerant, the Nut-**Thins** would be a good choice for a snack cracker. The bottom line: Blue Diamond Natural Nut-**Thins** are yummy whether you care about gluten or not. For a suggested retail price of \$2.99 a box, they may become one of your favorite snacks. Sylvia Anderson can be reached at [sylvia.anderson@newspressnow.com](mailto:sylvia.anderson@newspressnow.com).

---

Source Citation (MLA 7<sup>th</sup> Edition)

"Sylvia Says: Nut-**Thins** good whether you need gluten-free or not." *St. Joseph News-Press* [St. Joseph, MO] 17 Sept. 2011. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 20

Title: Brown bagging it doesn't always have to be boring

Source: *Frederick News-Post (Frederick, MD)*. (Sept. 14, 2011): Business News:

Document Type: Article

Copyright: COPYRIGHT 2011 The Frederick News-Post

<http://www.mccleatchy.com/>

Full Text:

Byline: Susan Gynn

Sept. 14--Getting kids to eat a healthy lunch can be a challenge. It doesn't have to be though; you just need to think creatively and outside the traditional lunch box boundaries. "A basic peanut butter and jelly sandwich is still one of my favorite go-tos," said Jennier Shea, corporate dietitian for Supervalu stores, which includes Shoppers. "It can be healthy, too, if it's made on whole grain or whole wheat bread." Whole grain breads keep you feeling full, the digestive system healthy and they provide needed minerals and vitamins, particularly the B vitamins, she said. To prevent "bread boredom," Shea suggests swapping sliced bread for a bagel, pita pocket, sandwich thins or a wrap. Surprise your youngster by substituting almond or cashew butter for the traditional peanut spread. Natural peanut butters have a grittier texture, she said, as does almond

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"Brown bagging it doesn't always have to be boring." *Frederick News-Post* [Frederick, MD] 14 Sept. 2011. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 21

Title: Make school lunch from a bag nutritious

Author(s): Carolyn O'Neil

Source: *The Atlanta Journal-Constitution (Atlanta, GA)*. (Aug. 31, 2011); Lifestyle: pD4.

Document Type: Brief article

TheAtlanta  
Journal-  
Constitution  
ajc.com

Copyright: COPYRIGHT 2011 The Atlanta Journal-Constitution

<http://www.ajc.com/>

Full Text:

Byline: Carolyn O'Neil

Whether the cafeteria-bound container is festooned with Hello Kitty, Justin Bieber or the Falcons' logo, what's inside matters to child nutrition experts.

[Unrelated information has been deleted.]

What about the teens and tweens easily distracted by the lunchtime social hour? The "gossip girls" busy checking out the handsome new boy don't want to be seen gobbling a big sandwich like a hungry ranch hand. The new breed of whole-grain sandwich or bagel "thins" might be a better fit with 100 calories and 5 grams of fiber. For something sweet yet figure-friendly, they may prefer to dip grapes, strawberries or pineapple chunks into protein-packed Greek yogurt.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

O'Neil, Carolyn. "Make school lunch from a bag nutritious." *Atlanta Journal-Constitution* [Atlanta, GA] 31 Aug. 2011: D4. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 22

Title: Seasoned olives aren't the pitsHeadline goes here: Panelists try green and kalamatas from Mario, generally enjoy both

Author(s): Ann J. Kelley

Source: *The Florida Times Union*. (Aug. 25, 2011): News: pE-6.

Document Type: Article

Copyright: COPYRIGHT 2011 The Florida Times-Union

Full Text:

Byline: Ann J. Kelley

If you like olives, take a look at Mario Pitted Green Olives seasoned with Thyme & Garlic or Mario Pitted Thyme-seasoned Kalamata Olives. Members of the Times-Union Consumer Panel sampled both kinds, but the green olives proved to be the most popular. The manufacturer suggests eating the small 100-calorie packet as a snack, but panelists found other uses for them as well.

[Unrelated information has been deleted.]

NEW PRODUCTS

- Land O' Lakes Cinnamon Sugar Butter Spread.
- Triscuit Chile Pepper **Thins** Crisps.
- TGI Fridays frozen Entrees for One.

Ann J. Kelley

**Source Citation** (MLA 7<sup>th</sup> Edition)

Kelley, Ann J. "Seasoned olives aren't the pitsHeadline goes here; Panelists try green and kalamatas from Mario, generally enjoy both." *Florida Times Union* 25 Aug. 2011: E-6. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 23

Title: Guiding a neighborhood's appetite

Author(s): Bob Morris

Source: *The New York Times*. (May 18, 2011): Lifestyle: pD5(L).

Document Type: Article

~~The New York Times~~

Copyright: COPYRIGHT 2011 The New York Times Company

<http://www.nytimes.com>

Full Text:

THE streets of the Upper East Side were almost deserted on a recent rainy Saturday. But inside William Poll, a food and catering shop at 1051 Lexington Avenue, things were happening.

[Unrelated information has been deleted.]

Later, well-heeled customers came and went, with quilted jackets and handbags dripping wet. Most greeted Mrs. Poll with a kiss as she sat at a bridge table, playing cards with James.

"Gin," she told him in little time. "I just beat you again."

"You always do," he said.

She reached over to hold his hand. Then she ate one of the baked potato thins she invented years ago, which are now a store favorite.

"I don't like frying," she said. "I never did."

[Unrelated information has been deleted.]

Source Citation (MLA 7<sup>th</sup> Edition)

Morris, Bob. "Guiding a neighborhood's appetite." *New York Times* 18 May 2011: D5(L). *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 24

Title: tidbits

Source: *Star Tribune (Minneapolis, MN)*. (May 5, 2011): Lifestyle: p2T.

Document Type: Brief article

Copyright: COPYRIGHT 2011 Star Tribune Media Company LLC

<http://www.startribune.com/>

Full Text:

Byline: AL SICHERMAN

Thin Newtons

Nabisco's Oreo-cloning machine has slowed recently. It seems to have produced only two additional flavors of Oreo Fudge Cremes, the cookies consisting of just one of the two Oreo wafers in a regular Oreo, topped with some filling and then coated in "fudge." (In addition to the original version and its mint offspring -- which Mr. Tidbit avers gives Girl Scout Thin Mints a run for the money -- there are only new Golden, in which a vanilla Golden Oreo cookie replaces the standard Oreo wafer, and even-newer Peanut Butter Creme, featuring a regular Oreo cookie and peanut butter creme filling.)

Taking up the slack in the Nabisco new-product department are Newtons Fruit **Thins**, single-layer cookies released with four flavors right off the bat: fig and honey, blueberry brown sugar, cranberry citrus oat and chocolate raspberry. Imagine a round graham cracker with a little oatmeal in its family tree (although the word "oat" appears in only one flavor name, there are rolled oats in all four varieties), with tiny bits of dried fruit scattered in.

[Unrelated information has been deleted.]

All that said, Mr. Tidbit -- not much of a fruit guy, and a filling man if ever there was one -- found to his surprise that he kind of liked Newtons Fruit **Thins**. Go figure.

**Source Citation** (MLA 7<sup>th</sup> Edition)

"tidbits." *Star Tribune* [Minneapolis, MN] 5 May 2011: 2T. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*



Newspaper Article # 25

Title: Super bowls for Sunday: Snack away with healthy dips while watching the big game  
Source: *Pittsburgh Post-Gazette (Pittsburgh, PA)*. (Feb. 3, 2011). Business News:  
Document Type: Article

Copyright: COPYRIGHT 2011 Pittsburgh Post-Gazette  
<http://www.mcclatchy.com/>

Full Text:

Byline: Bob Batz Jr.

Feb. 03--Like people around the country and the world, Diane Morgan of Portland, Ore., plans to sit down with family and friends to watch the Super Bowl on Sunday while eating an assortment of dips with an assortment of dippers.

Unlike most people, she can make her spread from the book she wrote on the subject.

[Unrelated information has been deleted.]

Microbrew Cheddar Cheese Spread

PG tested

Diane Morgan makes this with an amber ale, but you could substitute a hoppy gold one to make this even more apropos for your Steelers spread. It can be made a day ahead. She suggests serving it with Marbled Rye Toasts, Baked Pita Chips, Crostini (all recipes in the book) or pretzel thins.

[Unrelated information has been deleted.]

Source Citation (MLA 7<sup>th</sup> Edition)

"Super bowls for Sunday: Snack away with healthy dips while watching the big game."  
*Pittsburgh Post-Gazette* [Pittsburgh, PA] 3 Feb. 2011. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 26

Title: Festive Whoopee Pie Appetizer

Source: *Daily Herald (Arlington Heights, IL)*. (Dec. 29, 2010): Lifestyle: p3.

Document Type: Brief article, Recipe

Copyright: COPYRIGHT 2010 Paddock Publications

Full Text:

8 ounces cream cheese, softened

1 cup sour cream

4 ounces deli-sliced corned beef (such as Buddig), chopped small

1/4 cup onion, chopped

8 ounces water chestnuts, drained and chopped

1 large green pepper, 1/2 diced, 1/2 minced

1 large red pepper, 1/2 diced, 1/2 minced

Salt and pepper

Crackers, such as thin white cheddar rice or savory rice thins

In a large bowl, stir cream cheese, sour cream, corned beef chopped onion, water chestnuts and chopped peppers until well combined. Season with salt and pepper.

Spread dip on cracker, top with another cracker, pushing down slightly so dip spreads to the edges. Continue with remaining spread. Combine minced red and green pepper on a plate. Roll the edge of each cracker in the peppers. Serve on a festive platter.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"Festive Whoopee Pie Appetizer." *Daily Herald* [Arlington Heights, IL] 29 Dec. 2010: 3. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 27

Title: cookie palooza {HEADLINE2} holiday cookie contest winner

Source: *The Palm Beach Post (West Palm Beach, FL)*. (Dec. 15, 2010): News: p1D.

Document Type: Recipe

Copyright: COPYRIGHT 2010 The Palm Beach Post

<http://www.palmbeachpost.com/>

Full Text:

Byline: Liz Balmaseda

They flurried in like snowflakes, the confections of this year's Holiday Cookie Contest. And they descended upon Cookie Headquarters in full bling mode, decked out in royal icing, sparkles and candy bits.

[Unrelated information has been deleted.]

Our panel of cookie-loving judges raved about Angel Sanso's Chewy Toffee **Thins**. Her thin, delicious, addictive cookies took Second Place. They bore no extravagant design -- in fact, no design at all.

[Unrelated information has been deleted.]

SECOND PLACE: Chewy Toffee **Thins**

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"cookie palooza {HEADLINE2} holiday cookie contest winner." *Palm Beach Post* [West Palm Beach, FL] 15 Dec. 2010: 1D. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 28

Title: Ready to roll With homemade dough stashed in the refrigerator or freezer, fresh-baked cookies are always at your fingertips

Source: *St Louis Post-Dispatch (MO)*. (Dec. 1, 2010): Lifestyle: pL1.

Document Type: Article

Copyright: COPYRIGHT 2010 St. Louis Post-Dispatch

Full Text:

Byline: Stories BY PAT EBY Special to the Post-Dispatch

When the holiday to-do list looms large and time runs short, busy folks can still bake buttery, meltily scrumptious cookies. How? By making old-fashioned icebox cookies.

These recipes call for basic ingredients and most use simple techniques, meaning that even a beginning baker can turn out great cookies. Once the rich doughs are mixed, shaped and chilled, the cookies can be baked as needed. The flexibility to bake six for Santa's plate or 40 for the school party can't be beat.

[Unrelated information has been deleted.]

Lemon Thins Adapted from Fine Cooking Magazine

Yield: 8 dozen cookies

2 1/4 cups bleached all-purpose flour (see note)

[Unrelated information has been deleted.]

Photo - Lemon thins

Stories BY PAT EBY Special to the Post-Dispatch

**Source Citation** (MLA 7<sup>th</sup> Edition)

"Ready to roll With homemade dough stashed in the refrigerator or freezer, fresh-baked cookies are always at your fingertips." *St Louis Post-Dispatch* [MO] 1 Dec. 2010: L1. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 29

Title: Savoring a small snack with Nature Valley Granola **Thins**; Most of our tasters like the squares, but wish there was more to them

Author(s): Ann J. Kelley

Source: *The Florida Times Union*. (Oct. 7, 2010); News: pE-6.

Document Type: Article

Copyright: COPYRIGHT 2010 The Florida Times-Union

Full Text:

Byline: ANN J. KELLEY

Most members of the Times-Union Consumer Panel gave Nature Valley Dark Chocolate Granola **Thins** glowing reviews. The small squares of granola, reminiscent of chocolate-covered graham crackers, are individually wrapped and coated with dark chocolate on one side. Panelists describe them as crunchy like a cookie but not as sweet.

"I passed these out at work and they received rave reviews from everyone who tasted them," said cash management analyst Dottie Halligan, who added that most liked the crunchiness of the **thins** and thought they had the right amount of sweetness.

[Unrelated information has been deleted.]

He described the granola **thins** as fairly small and mildly sweet with just enough chocolate. "We all liked them a lot but it takes two to make a satisfying snack. They're thin but taste basically the same as a granola bar with a little chocolate coating."

Sales representative Angie Tekin said she and her office crew all enjoyed the granola **thins**, which she described as crunchy and a tad crumbly. "They're thin like a graham cracker, with a similar taste, but a whole different treat. You can definitely taste the chocolate."

She agreed that one small square isn't enough for a snack. "They're a quick 80-calorie snack and excellent with coffee but don't go far. They would be good crumbled over yogurt or low-fat vanilla ice cream."

Nature Valley Oats & Honey Granola bars are a favorite of food scientist Bill Skinner, but he said he didn't like the Dark Chocolate Granola **Thins**, which he said can't compare with a traditional granola bar. "They decided to make a new product and they did. Granola is filling and healthy. These have a delicate texture that falls apart as you eat it and has no crunch."

[This record continues on the following page.]

He also pointed out that instead of a sweeter high fructose syrup, the manufacturers used high maltose corn syrup to make the granola **thins** less sweet. They also substituted rice flour for corn flour to make them easy to digest and chew.

"I wouldn't buy them. It's not something I want to eat again."

"I enjoyed them," said homemaker June Koch. "I like granola and dark chocolate; it's a good combination."

She often buys Quaker granola bars and said the granola **thins** are half their size and not very sweet. As for its healthful aspects, she said, "They do have a bit of fat but are probably healthier than a cookie."

One thin contains 80 calories, 4 grams of fat, 75 milligrams of sodium, 6 grams of sugars and no cholesterol.

NATURE VALLEY DARK CHOCOLATE GRANOLA THINS

\$3.29 for 10 **thins**

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

Kelley, Ann J. "Savoring a small snack with Nature Valley Granola **Thins**; Most of our tasters like the squares, but wish there was more to them." *Florida Times Union* 7 Oct. 2010: E-6. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 30

Title: Oktoberfest isn't just about beer. It's also about the food

Source: *Pittsburgh Post-Gazette (Pittsburgh, PA)*. (Sept. 16, 2010): Business News:

Document Type: Recipe

Copyright: COPYRIGHT 2010 Pittsburgh Post-Gazette

<http://www.mcclatchy.com/>

Full Text:

Byline: Gretchen McKay

Sept. 16--I appreciate a nice pilsner or dunkel-style dark beer as much as the next frau. My ancestors on my mom's side hail from the tiny village of Frommern in southern Germany, and to pay homage, I've nursed many a stein of this most delicious liquid while waiting for my daughters to finish their weekly dance practice with the Alpen Schuhplattler at Teutonia Mannerchor in the North Side neighborhood of Deutschtown. (Isn't that what rathskellers are for?)

[Unrelated information has been deleted.]

PG tested Who says schnitzel has to be made with veal or pork? This tasty recipe uses beef shoulder tender, a juicy (and affordable) cut that's similar in taste to tenderloin. What really sets it apart, though, is the crunchy pretzel coating. I used Pittsburgh Pretzels Super Thins, but any variety would do. I also doubled the amount of caraway seeds. --2 cups crushed pretzels

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"Oktoberfest isn't just about beer. It's also about the food." *Pittsburgh Post-Gazette* [Pittsburgh, PA] 16 Sept. 2010. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 31

Title: St. Joseph News-Press, Mo., Sylvia Says column: Sylvia Says: Nature Valley Granola **Thins** are just right

Source: *St. Joseph News-Press (St. Joseph, MO)*. (July 3, 2010): Opinion and Editorial:

Document Type: Brief article, Column

Copyright: COPYRIGHT 2010 St. Joseph News-Press (St. Joseph, MO)

<http://www.mcclatchy.com/>

Full Text:

Byline: Sylvia Anderson

July 03--It happens to us all. It's 3 p.m. and you're craving something sweet or maybe salty, but something that's satisfying. And if you're busy, it's all too often something you can grab fast but is not particularly good for you, like a cookie, candy bar or bag of chips. Nature Valley has come out with a solution that I think could change all that. It's a new snack called Nature Valley Granola **Thins**. "100 percent natural, individually packaged and, at 80 or 90 calories per square, a perfect pick-me-up you can feel good about eating." They come in two flavors: dark chocolate and peanut butter. And they taste something like a graham cracker in texture but with the flavor of a granola bar. Nature Valley already makes regular granola bars, but these are thinner, not so hard and lightly covered with either a chocolate or peanut butter undercoating. Since they are individually wrapped squares, they are ideal for keeping at the office or bringing in the car. But the best thing about these good-for-you Granola **Thins** is that they actually taste good. When you compare them to an Oreo cookie, for example, they have about half the calories, carbohydrates and fat, but are twice as satisfying. I tried both the peanut butter and dark chocolate and passed them out to numerous testers young and old. Everyone liked them, including a very picky, sugar-crazed 4-year-old. The only negative we could come up with is that the undercoating can be a little messy, so make sure to keep something around for cleaning your hands. The bottom line: Nature Valley has come up with a winning snack that's portable, satisfying and low-calorie. Boxes of 10 **thins** are sold nationwide for a suggested retail price of \$3.59. Lifestyles reporter Sylvia Anderson can be reached at [sylvia.anderson@newspressnow.com](mailto:sylvia.anderson@newspressnow.com).

**Source Citation** (MLA 7<sup>th</sup> Edition)

"St. Joseph News-Press, Mo., Sylvia Says column: Sylvia Says: Nature Valley Granola **Thins** are just right." *St. Joseph News-Press* [St. Joseph, MO] 3 July 2010. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*



Newspaper Article # 32

Title: tidbits

Source: *Star Tribune (Minneapolis, MN)*. (Feb. 18, 2010): Lifestyle: p6T.

Document Type: Brief article

Copyright: COPYRIGHT 2010 Star Tribune Media Company LLC

<http://www.startribune.com/>

Full Text:

Byline: AL SICHERMAN

Nut Crisps

The Keebler folks don't crank out new versions of their Wheatables "made with stone-ground wheat" crackers every five minutes. If you had asked Mr. Tidbit a month ago, he would have said your only choice, besides original "golden wheat," was "toasted honey wheat." But now there are Wheatables Nut Crisps, either "roasted almond" or "toasted pecan." (Mr. Tidbit will not attempt to differentiate between "roasted" and "toasted.")

[Unrelated information has been deleted.]

(And, if you care, Blue Diamond offers several kinds of Nut **Thins** crackers, which are made with rice flour and pecan meal or almonds.)

**Source Citation** (MLA 7<sup>th</sup> Edition)

"tidbits." *Star Tribune* [Minneapolis, MN] 18 Feb. 2010: 6T. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 33

Title: TASTE TEST!A SUPER-SPECIAL,SUPER BOWL

Source: *The Palm Beach Post (West Palm Beach, FL)*. (Feb. 3, 2010): News: p4D.

Document Type: Article

Copyright: COPYRIGHT 2010 The Palm Beach Post

<http://www.palmbeachpost.com/>

Full Text:

When it comes to snacking, Americans love their potato chips.

[Unrelated information has been deleted.]

Publix Original **Thins** Potato Chips

Judges' comments: 'Doesn't seem like it was made from real potatoes,' Corvelle said. 'Oil has a burnt flavor,' Giannuzzi added.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"TASTE TEST!A SUPER-SPECIAL,SUPER BOWL." *Palm Beach Post* [West Palm Beach, FL] 3 Feb. 2010: 4D. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 34

Title: COOKIE RECIPES OFFER A TASTE OF CHRISTMAS TRADITION

Source: *Wisconsin State Journal (Madison, WI)*. (Dec. 5, 2008): News: pC2.

Document Type: Recipe

Copyright: COPYRIGHT 2008 Capital Newspapers

<http://www.madison.com>

Full Text:

Debra Shapiro provided the recipes for ginger slices, explaining "They are Dutch, so they are gember koekjes," as well as the recipes for jam cookies and ruggelach. For her Moravian Ginger **Thins**, she uses Rose Levy Beranbaum's recipe from "Rose's Christmas Cookies" but says the Moravian Crisps recipe below from Epicurious.com is quite close. That recipe included icing, which Shapiro does not use.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"COOKIE RECIPES OFFER A TASTE OF CHRISTMAS TRADITION." *Wisconsin State Journal* [Madison, WI] 5 Dec. 2008: C2. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 35

Title: leftovers

Source: *The Virginian Pilot*. (July 2, 2008): Lifestyle: pF2.

Document Type: Brief article

Copyright: COPYRIGHT 2008 The Virginian Pilot News. The Virginian Pilot-Ledger Star.  
All rights reserved. Reproduced with the permission of the Dialog Corporation by Gale.

<http://www.landmarkcom.com>

Full Text:

on the shelf

a sili garlic gimmick

Sili Gourmet's roaster/storer promises to roast garlic without drying it out and make peeling it easier - with no leftover smell in the silicone. We roasted two heads (elephant is too big), in the Sili and in foil. The silicone top, which does absorb odors, did make skin removal easier. It'll work in a microwave, but so will a paper towel. \$12.99 - a lot for a doodad.  
[www.wmboundsltd.com](http://www.wmboundsltd.com).

Snacks

Pepperidge Farm wants us to embrace snack attacks with its new Baked Naturals, which the company says have no artificial preservatives.

Six varieties include Toasted Wheat and Zesty Tomato Herb Wheat Crisps, Simply Pretzel and Savory Cheddar Pretzel **Thins**, Artisan Cheese and Toasted Sesame Snack Sticks.

Enjoy with cheese, dip or alone. Available in groceries, convenience and department stores, the suggested retail price is \$3.49.

**Source Citation** (MLA 7<sup>th</sup> Edition)

"leftovers." *Virginian Pilot* 2 July 2008: F2. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 36

Title: On a river trip, never forget life vests or brownies

Source: *The Register-Guard (Eugene, OR)*. (June 25, 2008): News: pE29.

Document Type: Recipe

Copyright: COPYRIGHT 2008 The Register Guard

<http://www.registerguard.com>

Full Text:

Byline: Jan Roberts-Dominguez For The Register-Guard

In the planning stage of any outdoor adventure, when a fellow trekker claims responsibility for the river brownies, there's no question what you'll get: a big ol' pan of gooey-rich and decadent brownies.

Classic River Brownies

Starting with a rich and chocolaty brownie batter made from scratch, there are many directions that you can take this recipe.

[Unrelated information has been deleted.]

First optional additions: Select 2 or 3 different ingredients - 1/2 cup toasted and chopped walnuts, 1 cup peanut butter or butterscotch chips, 1/2 cup sweetened flaked coconut, 1/2 cup raisins, 1 cup chopped peppermint bark (either commercially made or homemade) or coarsely chopped Andes Creme de Menthe thins (the ones in the green foil wrappers), 1 cup chocolate-covered peanuts.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"On a river trip, never forget life vests or brownies." *Register-Guard* [Eugene, OR] 25 June 2008: E29. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 37

Title: NEWS & NOTES; Products galore coming to store shelves

Author(s): David C.L. Bauer

Source: *The Florida Times Union*. (June 5, 2008): News: pD.

Document Type: Article

Copyright: COPYRIGHT 2008 The Florida Times-Union

Full Text:

Byline: DAVID C.L. BAUER

A grocery cart or two worth of new items will be hitting store shelves within the coming weeks, many of them promoting their healthful connections. Among them:

[Unrelated information has been deleted.]

Pepperidge Farm cookies and Baked Naturals: The Pepperidge Farm crews are coming out with Baked Naturals, preservative-free crackers in such flavors as Toasted Wheat crisps, Zesty Tomato Herb crisps, Simply Pretzel and Savory Cheddar Pretzel Thins and Artisan Cheese and Toasted Sesame Snack Sticks. They sell for \$3.49 a package.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

Bauer, David C.L. "NEWS & NOTES; Products galore coming to store shelves." *Florida Times Union* 5 June 2008: D. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 38

Title: Sales of local company's peanut products soaring

Source: *The Tifton Gazette (Tifton, GA)*. (Dec. 1, 2007): Business News:

Document Type: Article

Copyright: COPYRIGHT 2007 McClatchy-Tribune Information Services

<http://tiftongazette.com/>

Full Text:

Byline: Jana Cone

Dec. 1--TIFTON -- J.C. Bell, who owns and operates Bell Plantation, a local agricultural research company, is the first to admit he likes to think outside the box -- way outside the box. Bell's unconventional thinking is proving to be the foundation for his company's soaring success.

Bell could have just made another good peanut butter, but that's not his style. "If we had decided to sell a roasted peanut butter we would have had to compete against Jiff and Planters and Skippy," Bell said. He put his two hands together and flattened them out. "They would have squashed us like a bug."

[Unrelated information has been deleted.]

So far Bell has developed approximately 20 peanut-based products. His next products to market will be "super-healthy peanut snack" products. He called them the straw, the pillow, the crunchies and the thins. He has also developed 40 other products that are not peanut based.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"Sales of local company's peanut products soaring." *Tifton Gazette* [Tifton, GA] 1 Dec. 2007. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 39

Title: Blue Diamond Pecan Nut-Thins

Source: *St Louis Post-Dispatch (MO)*. (Sept. 19, 2007); Lifestyle: pL2.

Document Type: Brief article

Copyright: COPYRIGHT 2007 St. Louis Post-Dispatch

Full Text:

Byline: JOE BONWICH

We were looking for some gluten-free alternatives for hors d'oeuvre crackers and found these at Whole Foods Market. They're made with rice flour and pecan meal, and we really enjoyed the resulting flavor. Variations made with other nuts also are available.

Price: \$2.49

Package size: 4.25 ounces

Per (16-cracker) serving: 130 calories, 3.5g fat, no saturated fat, no trans fat, no cholesterol, 130mg sodium, 23g carbohydrate, less than 1g fiber, no sugar, 2g protein.

CAPTION(S):

PHOTO - Blue Diamond Pecan Nut-Thins

JOE BONWICH

Source Citation (MLA 7<sup>th</sup> Edition)

"Blue Diamond Pecan Nut-Thins." *St Louis Post-Dispatch [MO]* 19 Sept. 2007: L2. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*



Newspaper Article # 40

Title: RECALLS

Source: *The St. Petersburg Times (St. Petersburg, FL)*. (June 18, 2007): Business News: p6D.

Document Type: Article

Copyright: COPYRIGHT 2007 Times Publishing Company

<http://www.sptimes.com>

Full Text:

Various Thomas & Friends wooden railway toys

[Unrelated information has been deleted.]

Back to Nature Sesame Ginger Rice **Thing** crackers

Company: Back to Nature Foods Co.

Why? Undeclared milk ingredient seasoning, which can cause severe or life-threatening reactions in those allergic to milk.

What models? "Best When Used By" date of "16 May 2007."

Where sold? Retail grocery and health food stores.

What to do? Contact company for refund.

For information: Toll-free 1-800- 433-9361.

[Unrelated information has been deleted.]

Source Citation (MLA 7<sup>th</sup> Edition)

"RECALLS." *St. Petersburg Times* [St. Petersburg, FL] 18 June 2007: 6D. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 41

Title: It's unanimous: Nut-**Thins** are crunchy; But some panelists say the hazelnut-flavored crackers are a bit bland

Author(s): Ann J. Kelley

Source: *The Florida Times Union*. (Mar. 29, 2007): News: pE-2.

Document Type: Article

Copyright: COPYRIGHT 2007 The Florida Times-Union

Full Text:

Byline: ANN J. KELLEY

They may not all like them, but members of the Times-Union Consumer Panel agree the best feature of Blue Diamond Hazelnut Nut-**Thins** is their crunchiness. On the down side, many complained the small crisp rice flour crackers lack flavor.

[Unrelated information has been deleted.]

Financial planning and analysis manager Sean Pelkey enjoyed the hazelnut crackers, which he described as light, thin and crunchy. He said the Nut-**Thins** were slightly smaller than a Ritz and had tiny pieces of ground nuts baked in.

[Unrelated information has been deleted.]

Triscuit eater Bill Cotner prefers a sturdier more flavorful cracker than the Nut-**Thins**, which he described as very low in sodium. "They don't have a nutty taste," the retiree said. "The flavor is like a rice cake with a little more salt."

[Unrelated information has been deleted.]

She described the Nut **Thins** as looking like a natural grain cracker and said, "They have a good texture but very little salt. They don't have much flavor at all."

[This record continues on the following page.]

BLUE DIAMOND HAZELNUT NUT-THINS

Price: \$2.99

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

Kelley, Ann J. "It's unanimous: Nut-Thins are crunchy; But some panelists say the hazelnut-flavored crackers are a bit bland." *Florida Times Union* 29 Mar. 2007: E-2. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 42

Title: Self-jesting gives old actors new life in ads

Author(s): Nina M. Lentini

Source: *International Herald Tribune*. (Mar. 2, 2007): Business News: p17.

Document Type: Article

Source: iht.com

Copyright: COPYRIGHT 2007 International Herald Tribune

<http://www.iht.com>

Full Text:

Byline: Nina M. Lentini

NEW YORK: -- The U.S. advertising industry is taking a cue from the adage that history repeats itself first as tragedy and then as farce.

[Unrelated information has been deleted.]

The perpetually tanned Hamilton stars in a campaign by the Chicago office of JWT, part of the WPP Group, for Nabisco Toasted Chips, sold by Kraft Foods.

In one ad for Pita **Thins**, Hamilton samples the product with his former opponent from "Dancing With the Stars," the wrestling hottie Stacy Keibler; he then breaks into solo acrobatics in a colorful Greek costume and affirms with a wink at his bronzed self, "I know toasted."

[Unrelated information has been deleted.]

Source Citation (MLA 7<sup>th</sup> Edition)

Lentini, Nina M. "Self-jesting gives old actors new life in ads." *International Herald Tribune* 2 Mar. 2007: 17. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 43

Title: For Some Aging Actors, Self-Mockery Sells

Author(s): Nina M. Lentini

Source: *The New York Times*. (Mar. 1, 2007): Business News: pC11(L).

Document Type: Article

~~The New York Times~~

Copyright: COPYRIGHT 2007 The New York Times Company

<http://www.nytimes.com>

Full Text:

MADISON AVENUE is taking a cue from the adage that history repeats itself first as tragedy and then as farce.

[Unrelated information has been deleted.]

In one ad for Pita Thins, Mr. Hamilton samples the product with his former foe from "Dancing With the Stars," the wrestling hottie Stacy Keibler, he then breaks into solo acrobatics in a colorful Greek costume and affirms with a wink at his bronzed self, "I know toasted."

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

Lentini, Nina M. "For Some Aging Actors, Self-Mockery Sells." *New York Times* 1 Mar. 2007: C11(L). *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 44

Title: PITA THINS OK, DESPITE A COUPLE OF PROBLEMS

Source: *Winston-Salem Journal (Winston-Salem, NC)*. (Jan. 10, 2007): Arts and Entertainment; pE2.

Document Type: Brief article

Copyright: COPYRIGHT 2007 Winston-Salem Journal. Piedmont Publishing Company, Inc.  
[www.journalnow.com](http://www.journalnow.com)

Full Text:

Byline: Michael Hastings JOURNAL FOOD EDITOR

Product: Nabisco Pita **Thins** Toasted Chips.

What you get: A 6-ounce bag.

Cost: \$2.99 suggested retail price.

Review: Nabisco has poked its way into the pita business with its new Pita **Thins** Toasted Chips.

[Unrelated information has been deleted.]

Salt is a necessary ingredient in all chips, but these Pita **Thins** Toasted Chips are surprisingly oversalted, with 13 percent of the Recommended Daily Value in one serving. They also have a buttery taste, which some people may like, but is not typical to pita chips.

[Unrelated information has been deleted.]

Pita **Thins** Toasted Chips box

By Michael Hastings JOURNAL FOOD EDITOR

**Source Citation** (MLA 7<sup>th</sup> Edition)

"PITA THINS OK, DESPITE A COUPLE OF PROBLEMS." *Winston-Salem Journal* [Winston-Salem, NC] 10 Jan. 2007: E2. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 45

Title: From Market to Kitchen: NEW AND NOW

Author(s): Elizabeth Lee

Source: *The Atlanta Journal-Constitution (Atlanta, GA)*. (Dec. 7, 2006): Lifestyle: pK2.

Document Type: Article

The Atlanta  
Journal-  
Constitution  
ajc.com

Copyright: COPYRIGHT 2006 The Atlanta Journal-Constitution

<http://www.ajc.com/>

Full Text:

Byline: ELIZABETH LEE

Baked snack too salty

Nabisco is getting into the baked pita snack business with Pita **Thins** Toasted Chips, a rival to longstanding leader Stacy's Pita Chips.

[Unrelated information has been deleted.]

CHRIS HUNT / Staff Nabisco Pita **Thins** Toasted Chips</ImageData>

ELIZABETH LEE

**Source Citation** (MLA 7<sup>th</sup> Edition)

Lee, Elizabeth. "From Market to Kitchen: NEW AND NOW." *Atlanta Journal-Constitution* [Atlanta, GA] 7 Dec. 2006: K2. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 46

Title: GOOD TASTES

Source: *Daily News (Los Angeles, CA)*. (Sept. 26, 2006): Arts and Entertainment: pU7.

Document Type: Article

Copyright: COPYRIGHT 2006 Daily News

<http://www.dailynews.com>

Full Text:

SPINACH RECALL: Local restaurants have removed spinach from their menus dues to the E. coli outbreak and substituted other greens where feasible.

[Unrelated information has been deleted.]

Creations were tested from more than 250 cookbooks to arrive at the more than 100-recipe collection found in this volume. Among the recipes are Sri Lankan Beef Curry, Melted Cheese Dip With Tequila, Green Tabasco Chicken, Peanut Noodles With Mango, Amazing Toffee Thins, Buttery and Soft Chocolate Cake for a Crowd and Caramel Apple Tart.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"GOOD TASTES." *Daily News* [Los Angeles, CA] 26 Sept. 2006: U7. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*



Newspaper Article # 47

Title: Stores Brace For Students

Source: *Pantagraph (Bloomington, IL)*. (Aug. 14, 2006): Business News:

Document Type: Article

Copyright: COPYRIGHT 2006 The Pantagraph

<http://www.mcclatchy.com/>

Full Text:

Byline: Scott Miller

Aug. 14--NORMAL -- University Liquors in Normal will double its beer inventory this week, said owner Paul Nagra. Dominos in Normal, meanwhile, will hire more cooks and delivery drivers to serve around 1,500 pizzas per night this weekend, double its regular summer business, said manager Chris Thomas. More than 7,000 Illinois State University students will begin moving into residence halls

[Unrelated information has been deleted.]

As cars slowed to a crawl and stopped, students sprang out and raced to the rear doors to begin removing the objects inside; the stereo sets, radios, personal computers; small refrigerators and table ranges; the cartons of phonograph records and cassettes; the hairdryers and styling irons; the tennis rackets, soccer balls, hockey and lacrosse sticks, bows and arrows; the controlled substances, the birth control pills and devices; the junk food still in shopping bags--onion-and-garlic chips, nacho thins, peanut creme patties, Waffelos and Kabooms, fruit chews and toffee popcorn; the Dum-Dum pops, the Mystic mints.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"Stores Brace For Students." *Pantagraph* [Bloomington, IL] 14 Aug. 2006. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 48

Title: REJOICE CRACKERS SNACKERS; Say goodbye to low-carb and start munching on old friends with new flavorsstand-alones or party companions

Author(s): Kitty Crider

Source: *The Austin American-Statesman (TX)*. (Aug. 10, 2005): Lifestyle: pE1.

Document Type: Brief article

Copyright: COPYRIGHT 2005 The Austin American-Statesman

Full Text:

Byline: Kitty Crider, AMERICAN-STATESMAN FOOD EDITOR

Crackers are interactive nibbles. They crunch back, entertaining you whether they come to the party solo or in a group. Some of them are Type A's, interesting enough to capture your attention without benefit of wine or spread. Others play flat foil to exciting new faces. Yet they can hang around for hours -- days even -- without becoming obnoxious.

[Unrelated information has been deleted.]

Crackers are a \$3.5 billion a year business, according to those researchers and trade publications that chart the snack chatter. The biggies are those old favorites whose names are still surprisingly chic -- Ritz, Premium, Club, Thins -- plus, the hip but square Cheez-It.

**Source Citation** (MLA 7<sup>th</sup> Edition)

Crider, Kitty. "REJOICE CRACKERS SNACKERS; Say goodbye to low-carb and start munching on old friends with new flavorsstand-alones or party companions." *Austin American-Statesman* [TX] 10 Aug. 2005: E1. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 49

Title: SNACKDOWN! TASTE TEST TACKLES THE TOP PLAYERS FOR SUPER SUNDAY

Source: *New York Post (New York, NY)*. (Feb. 2, 2005): Arts and Entertainment: p46.

Document Type: Article

Copyright: COPYRIGHT 2005 N.Y.P. Holdings, Inc.

[www.nypost.com](http://www.nypost.com)

Full Text:

IT'S crunch time for football fans. More chips and dips are noshed on Super Bowl Sunday than any other time of the year - and football's ultimate showdown is second only to Thanksgiving for the most eating.

[Unrelated information has been deleted.]

PRETZELS

BEST: Anderson's & Rold Gold

Anderson's Mini Pretzels, Fat-Free (16 ounces, \$1.29)

"Light and crunchy," "nicely salty," "small and slightly sweet," "real good"

BEST VALUE: Rold Gold Classic Style **Thins** (15 ounces, 99 cents)

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"SNACKDOWN! TASTE TEST TACKLES THE TOP PLAYERS FOR SUPER SUNDAY."  
*New York Post* [New York, NY] 2 Feb. 2005: 46. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 50

Title: GRAB BAG: CRUNCHY SNACKS

Author(s): Sandra Eckstein

Source: *The Atlanta Journal-Constitution (Atlanta, GA)*. (Nov. 20, 2004): Lifestyle: pFE5.

Document Type: Article

The Atlanta  
Journal-  
Constitution  
ajc.com

Copyright: COPYRIGHT 2004 The Atlanta Journal-Constitution

<http://www.ajc.com/>

Full Text:

Byline: SANDRA ECKSTEIN; Staff

LOTUS CHIPS: Lotus Chips, \$7.99, Lotus Chips WHAT HAPPENS: Your friends will love these unusual chips . . . if you're willing to share them. WHAT WORKS: These light, crispy chips come in great flavors and are easy to munch. WHAT DOESN'T WORK: They only come in 3.38-ounce bags. When we like something, we need a big bag.

[Unrelated information has been deleted.]

TO BUY IT: Whole Foods markets, Peachtree Natural Foods, Sevananda Natural Foods or [www.shopnatural.com](http://www.shopnatural.com) or [www.truefoodsmarket.com](http://www.truefoodsmarket.com). BAKED POTATO THINS: Baked Potato Thins, \$6.99, William Poll Gourmet Foods WHAT HAPPENS: Slices of Yukon Gold potatoes are baked and then seasoned. WHAT WORKS: They have great flavors like Herbes de Provence and Moroccan. WHAT DOESN'T WORK: These suckers are hard. As in, you'd better have your dentist on speed dial before you eat them. Then again, they could be the perfect snack. You like them, but you can't eat too many before your teeth start to hurt. WHAT YOU'LL GET: Four ounces of sliced potatoes in a fancy box.

[Unrelated information has been deleted.]

William Poll Baked Potato Thins

Source Citation (MLA 7<sup>th</sup> Edition)

Eckstein, Sandra. "GRAB BAG: CRUNCHY SNACKS." *Atlanta Journal-Constitution* [Atlanta, GA] 20 Nov. 2004: FE5. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 51

Title: Balancing the sugar, fat in brownies a sweet conundrum

Source: *Daily Herald (Arlington Heights, IL)*. (June 16, 2004): Lifestyle: p1.

Document Type: Article

Copyright: COPYRIGHT 2004 Paddock Publications

Full Text:

Byline: Annie Overhoe

Too sweet or not sweet enough? That question crosses my mind these days when I'm sizing up a brownie.

[Unrelated information has been deleted.]

Brownie **Thins**

1/4 cup unsalted butter

1/3 cup walnut oil

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"Balancing the sugar, fat in brownies a sweet conundrum." *Daily Herald* [Arlington Heights, IL] 16 June 2004: 1. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 52

Title: SEDER INVADERS - GRANDMA WOULDN'T RECOGNIZE THESE 21ST-CENTURY PASSOVER PLATES

Source: *New York Post* (New York, NY). (Mar. 31, 2004): Arts and Entertainment: p45.

Document Type: Article

Copyright: COPYRIGHT 2004 N.Y.P. Holdings, Inc.

[www.nypost.com](http://www.nypost.com)

Full Text:

PASSOVER, the ancient holiday commemorating the Jews fleeing bondage in Egypt, begins Monday evening. And while there's nothing wrong with tradition, it doesn't mean you have to be a slave to bubbe's recipes - or the kitchen.

\*\*\*\*\*

It's called "the bread of affliction," and those who've attended their share of Passover seders agree the name fits the bill. That's why Eli's hand-made matzos are such a revelation (at \$15 for half a pound, they better be). The golden, super-crisp things garnered an enthusiastic thumbs up from our office tasters, one of whom even gave the ultimate rave, "This doesn't taste anything like matzo!"

[Unrelated information has been deleted.]

Source Citation (MLA 7<sup>th</sup> Edition)

"SEDER INVADERS - GRANDMA WOULDN'T RECOGNIZE THESE 21ST-CENTURY PASSOVER PLATES." *New York Post* [New York, NY] 31 Mar. 2004: 45. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 53

Title: Creepy cuisine (that's a good thing)

Author(s): Nicole Hvidsten

Source: *Star Tribune (Minneapolis, MN)*. (Oct. 16, 2003): Lifestyle: p10T.

Document Type: Article

Copyright: COPYRIGHT 2003 Star Tribune Media Company LLC

<http://www.startribune.com/>

Full Text:

Byline: Nicole Hvidsten; Staff Writer

You've seen Martha Stewart's Halloween special. Now forget about it. Creating the perfect Halloween scene setters and snacks doesn't have to take a cast of many and a lot of money; ordinary pantry items can be transformed into tricky treats.

[Unrelated information has been deleted.]

Sweep dreams: Make mini witches' brooms with pretzel thins and fruit roll-ups. Cut a 2-inch length from a fruit roll-up. With the shorter ends on the side, fringe the bottom (but leave an uncut border at the top) to create broom bristles. Moisten the upper edge and tightly wrap around the pretzel.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

Hvidsten, Nicole. "Creepy cuisine (that's a good thing)." *Star Tribune* [Minneapolis, MN] 16 Oct. 2003: 10T. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 54

Title: GOOD TASTES

Source: *Daily News (Los Angeles, CA)*. (Oct. 1, 2003): Arts and Entertainment: pU9.

Document Type: Article

Copyright: COPYRIGHT 2003 Daily News

<http://www.dailynews.com>

Full Text:

MINT BAKING CHIPS: If you love the flavor of mint in baked goods or desserts, Andes Creme de Menthe **Thins**, a favorite chocolate after-dinner mint, are now available as baking chips. The Andes Creme de Menthe Baking Chips, packaged in 10-ounce bags (about 2 cups), are handy and ready to use in cookies, brownies, cheesecakes, cakes, candies, fudge, ice cream, toppings, sauces, hot chocolate and more. These new chips are easy to use and no doubt will fill a niche. (We used to buy mint-flavored chocolate chips, seasonally, for baking and candy-making, but they are no longer available). Suggested retail is \$2.49 a bag. Look for them in supermarkets in a green package.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"GOOD TASTES." *Daily News* [Los Angeles, CA] 1 Oct. 2003: U9. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*



Newspaper Article # 55

Title: CONFERENCE ON NEW FOODS TOUTS HEALTH, CONVENIENCE

Author(s): Susan Salisbury

Source: *The Palm Beach Post (West Palm Beach, FL)*. (Sept. 16, 2003): Business News: p8B.

Document Type: Article

Copyright: COPYRIGHT 2003 The Palm Beach Post

<http://www.palmbeachpost.com/>

Full Text:

Byline: SUSAN SALISBURY, Palm Beach Post Staff Writer

PALM BEACH -- Newcastle Brown Ale ice cream and Walker's lamb-and-mint-flavored chips probably won't be coming to a South Florida supermarket near you.

[Unrelated information has been deleted.]

About 10,000 new products enter the supermarket shelves each year, Skala said. The five biggest "cannonballs" of the past 10 years - products that had retail sales in excess of \$100 million in their first year, then died or drastically fell back - are Frito-Lay WOW chips, Nabisco Snackwells Cookies and Crackers, Snackwells Cereal Bars, Crystal Pepsi and Doritos Thins.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

Salisbury, Susan. "CONFERENCE ON NEW FOODS TOUTS HEALTH, CONVENIENCE." *Palm Beach Post* [West Palm Beach, FL] 16 Sept. 2003: 8B. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 56

Title: CULT CUISINE; PEOPLE LINE UP FOR THESE FAVORITES

Source: *New York Post (New York, NY)*. (Sept. 10, 2003): Arts and Entertainment: p43.

Document Type: Article

Copyright: COPYRIGHT 2003 N.Y.P. Holdings, Inc.

[www.nypost.com](http://www.nypost.com)

Full Text:

IN The City That Never Sleeps, the natives won't be caught napping when it comes to food.

Some of Gotham's cult favorites are only available at certain times of day, or sell out in a matter of hours. Show up too early, and forget about sinking your teeth into a warm, sesame-crusted flagel (we'll explain later); too late, and kiss that handmade doughnut goodbye.

[Unrelated information has been deleted.]

Flagels (flat bagels, get it?) are golden-brown thins caked on both sides with sesame or poppy seeds, or an everything mix of both plus garlic. Their baton-like counterparts, 16 inches long, are called stragels (straight bagels).

[Unrelated information has been deleted.]

Source Citation (MLA 7<sup>th</sup> Edition)

"CULT CUISINE; PEOPLE LINE UP FOR THESE FAVORITES." *New York Post* [New York, NY] 10 Sept. 2003: 43. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 57

Title: KNEAD TO KNOW; GOOD HOUSEKEEPING OFFERS WELL-WRITTEN RECIPES FOR BAKERS

Source: *Winston-Salem Journal (Winston-Salem, NC)*. (July 23, 2003): Arts and Entertainment: pE2.

Document Type: Article

Copyright: COPYRIGHT 2003 Winston-Salem Journal. Piedmont Publishing Company, Inc.  
[www.journalnow.com](http://www.journalnow.com)

Full Text:

Byline: JOURNAL STAFF AND WIRE REPORT

Good Housekeeping Great Baking, by the editors of Good Housekeeping magazine. Heart Books, \$29.95.

[Unrelated information has been deleted.]

The Quick Breads & Crackers chapter includes Cornmeal Biscuits, Pumpkin Muffins, Spoonbread and Sesame **Thins**. Yeast Breads offers everything from Basic Pizza Dough to Stromboli, Baguettes to Coffee Cake Wreath.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"KNEAD TO KNOW; GOOD HOUSEKEEPING OFFERS WELL-WRITTEN RECIPES FOR BAKERS." *Winston-Salem Journal* [Winston-Salem, NC] 23 July 2003: E2. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 58

Title: LEMON **THINS**: MAGAZINE RE-CREATES THIS TREAT

Source: *Winston-Salem Journal* (Winston-Salem, NC). (May 14, 2003): Arts and

Entertainment: pE2.

Document Type: Recipe

Copyright: COPYRIGHT 2003 Winston-Salem Journal. Piedmont Publishing Company, Inc.  
[www.journalnow.com](http://www.journalnow.com)

Full Text:

Byline: Michael Hastings JOURNAL FOOD EDITOR

Gene Stoker recently contacted SAM, the Winston-Salem Journal's Straight Answer Ma'am about Lemon **Thins**. Calling up fond memories of these thin crisp wafer cookies, he asked where he could buy them.

The trouble is, Interbake Foods Inc. in Richmond doesn't make them anymore.

The good news is that Gourmet magazine dealt with a similar query years ago and came up with a copy-cat recipe, so now we can make Lemon **Thins** in our own kitchens.

Lemon **Thins**

Adapted from the April 1990 issue of Gourmet magazine.

1/2 cup vegetable shortening, room temperature

2 tablespoons unsalted butter, softened

[Unrelated information has been deleted.]

Source Citation (MLA 7<sup>th</sup> Edition)

"LEMON **THINS**: MAGAZINE RE-CREATES THIS TREAT." *Winston-Salem Journal* [Winston-Salem, NC] 14 May 2003: E2. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 59

Title: TIDBITS

Author(s): Al Sicherman

Source: *Star Tribune (Minneapolis, MN)*. (May 9, 2002): Lifestyle: p03T.

Document Type: Article

Copyright: COPYRIGHT 2002 Star Tribune Media Company LLC

<http://www.startribune.com/>

Full Text:

Byline: Al Sicherman; Staff Writer

## BOWLING FOR BREAKFAST

Mr. Tidbit has mumbled here before about the sudden, unexplained profusion of - and advertising that crows about - frozen food in plastic bowls instead of plastic trays.

[Unrelated information has been deleted.]

There are three big differences that will keep Vienna Fingers Mint Fudge **Things** from running the Girl Scouts into Chapter 11:

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

Sicherman, Al. "TIDBITS." *Star Tribune* [Minneapolis, MN] 9 May 2002: 03T. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 60

Title: IF YOU NEED SOME CRUNCH; CRISPY HOMEMADE CRACKERS ADD A LITTLE SNAP TO DISHES

Source: *The Record (Bergen County, NJ)*. (May 1, 2002): Lifestyle: pF3.

Document Type: Article

Copyright: COPYRIGHT 2002 North Jersey Media Group Inc.

[www.northjersey.com/](http://www.northjersey.com/)

Full Text:

By ANNETTE GOOCH

Soup and crispy, savory crackers ... salad and crusty, hand-rolled breadsticks - these classic examples are perfectly matched pairs. With so many packaged crackers and other baked accompaniments available on the supermarket shelves, who'd bother to make them at home? You would! And here's why: Homemade crackers taste fresher than anything from a factory, and when you make them yourself, you choose the quality of ingredients that go into them.

[Unrelated information has been deleted.]

Herbed sourdough thins

1 (15-inch) sourdough baguette (about 1/2 pound)

3 tablespoons each butter and olive oil

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"IF YOU NEED SOME CRUNCH; CRISPY HOMEMADE CRACKERS ADD A LITTLE SNAP TO DISHES." *Record* [Bergen County, NJ] 1 May 2002: F3. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 61

Title: IF YOUR SWEET TOOTH IS STILL CALLING OUT FOR NEW THRILLS ....

Source: *The Capital Times (Madison, WI)*. (Feb. 2, 2002): Lifestyle: p4D.

Document Type: Article

Copyright: COPYRIGHT 2002 Capital Newspapers

<http://www.madison.com>

Full Text:

Byline: Mary Bergin

CORRECTION: Quality Candy: a correction, and invitation.

The Quality Candy Co., Milwaukee, was established in 1916 by Joseph and Lottie Heiminia.

\*\*\*\*\*

Here are some of the big shots of the candy industry in Wisconsin.

Quality Candy, 1801 E. Bolivar Ave., St. Francis (next to Milwaukee), (800) 972-2658 or (414) 483-4500, [www.qchs.com](http://www.qchs.com).

[Unrelated information has been deleted.]

The Andes brand includes the Andes Creme de Menthe Thins, Cherry Jubilee Thins and Toffee Crunch Thins, as well as a line of Mint Patties, according to [www.tootsie.com](http://www.tootsie.com).

**Source Citation** (MLA 7<sup>th</sup> Edition)

"IF YOUR SWEET TOOTH IS STILL CALLING OUT FOR NEW THRILLS ...." *Capital Times* [Madison, WI] 2 Feb. 2002: 4D. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 62

Title: Many theories of conspiracy are hard to swallow

Author(s): Margery Eagan

Source: *The Boston Herald*. (Jan. 15, 2002): News: p004.

Document Type: Article

Copyright: COPYRIGHT 2002 Boston Herald

Full Text:

So our president went mano a mano with a pretzel. He showed it who's boss, thank God.

Our national dignity is saved.

[Unrelated information has been deleted.]

So we prefer to view the caper from the best possible perspective, one that highlights the complexity of the man even as it accentuates his common bond with us, mere citizens. I mean, on the one hand, you can drop those Daisy Cutters. You can bring the Taliban to its knees. You can carpet bomb ol' Osama from Kandahar to the moon - and you can still be brought low by a pretzel, a Rold Gold Classic Thins, \$1.99; a Snyder's Sourdough Jalepeno, \$2.19, or, our personal favorite, the humble Bachman Bite Size Mini, \$2.39.

Margery Eagan's radio show airs noon to 3 p.m. on 96.9 FM-Talk.

By MARGERY EAGAN

**Source Citation** (MLA 7<sup>th</sup> Edition)

Eagan, Margery. "Many theories of conspiracy are hard to swallow." *Boston Herald* 15 Jan. 2002: 004. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*



Newspaper Article # 63

Title: Horses corralling visitors in 'Little Sweden, USA'

Source: *Daily Herald (Arlington Heights, IL)*. (Sept. 2, 2001); Lifestyle: p5.

Document Type: Article

Copyright: COPYRIGHT 2001 Paddock Publications

Full Text:

Byline: Mike Michaelson

Wild horses are dragging visitors - not at all reluctantly - to Lindsborg, tucked away amid the prairie of central Kansas in fertile Smoky Valley. The town, aptly dubbed "Little Sweden, USA," has joined the public art on parade movement with 4-foot-tall fiberglass Wild Dala Horses.

[Unrelated information has been deleted.]

Many local shops carry a variety of Scandinavian imports ranging from clogs, cancélabra (and modernistic iron candleholders) and crystal to trolls, tiles and tapes and CDs of Scandinavian music. You'll also find imported toys, hand-etched glassware, pewter, paintings and prints, as well as Norwegian sweaters and books about all of the Scandinavian countries, as well as a wide array of Christmas ornaments (including Lucia crowns for real candles). Imported foodstuffs from Sweden include original ginger thins (also available in lemon, orange, almond and chocolate-mint flavors), Swedish peppermints, Marabou milk chocolate, Lofbergs coffee and whole buckets of lingonberries (with a shelf life of about one year). Holiday bakers will want to check out a set of Christmas cookie cutters in traditional shapes.

[Unrelated information has been deleted.]

**Source Citation (MLA 7<sup>th</sup> Edition)**

"Horses corralling visitors in 'Little Sweden, USA'." *Daily Herald* [Arlington Heights, IL] 2 Sept. 2001; 5. *Custom Newspapers*. Web. 6 Aug. 2014

\*\*\*\*\*

Newspaper Article # 64

Title: Something for every taste

Author(s): Guy Keeler

Source: *The Fresno Bee (Fresno, CA)*. (July 22, 2001): Lifestyle: pE1.

Document Type: Article

Copyright: COPYRIGHT 2001 Dialog LLC. The Fresno Bee. All rights reserved. Reproduced with the permission of Dialog LLC by Gale.

<http://www.dialog.com/>

Full Text:

Byline: Guy Keeler THE FRESNO BEE

You could snack your way through the central San Joaquin Valley.

[Unrelated information has been deleted.]

Blue Diamond offers natural almonds and honey-flavored almonds. They even have garlic almonds and lots of other almond products, like nut **thins**, a cracker made from almonds.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

Keeler, Guy. "Something for every taste." *Fresno Bee* [Fresno, CA] 22 July 2001: F1. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 65

Title: TRADITION! FAMILY'S HISTORY BRINGS COOKBOOK TO LIFE

Source: *Daily News (Los Angeles, CA)*. (Mar. 28, 2001): Arts and Entertainment: pL12.

Document Type: Recipe

Copyright: COPYRIGHT 2001 Daily News

<http://www.dailynews.com>

Full Text:

Byline: Natalie Haughton Food Editor

Food is part of the Passover tradition, as Jews mark the eight-day celebration of the ancient Hebrews' liberation from slavery in Egypt. It begins at sundown Saturday, April 7.

[Unrelated information has been deleted.]

To gussy up the cake, whip up an easy chocolate glaze in the microwave. Another option for an appealing finale: Split the cake and fill with a non-dairy topping for Passover that you've whipped along with fresh sliced strawberries. Kancigor also likes to offer farfel-nut thins.

As is often expected in this type of cookbook, some of the recipes are missing details that many cooks would find useful - such as pan and package sizes, along with specific preparation directions and number of servings. But Kancigor says the book is a work in progress - and with each subsequent printing, she makes corrections and changes. Since it first came out in spring 1999, Kancigor has sold more than 3,500 copies by word of mouth.

[Unrelated information has been deleted.]

Source Citation (MLA 7<sup>th</sup> Edition)

"TRADITION! FAMILY'S HISTORY BRINGS COOKBOOK TO LIFE." *Daily News* [Los Angeles, CA] 28 Mar. 2001: L12. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 66

Title: FOOD WONDERFUL AT "UPTOWN" BLUE HOUR BAR

Source: *The News & Record (Piedmont Triad, NC)*. (Mar. 15, 2001): Arts and Entertainment: p10.

Document Type: Article

Copyright: COPYRIGHT 2001 News & Record

<http://www.news-record.com>

Full Text:

I recall an effort to rename central Greensboro "uptown" instead of the commonly used "downtown," in hopes, I assume, of conveying an urbane connotation that would attract more retail and restaurant traffic.

[Unrelated information has been deleted.]

My parties tried two desserts. To the kitchen's credit, no fake meringue had been installed on the Key Lime Pie (\$6) - a true key lime (yellow, not green), producing a characteristic sweet-tart effect. A strawberry puree had been laced around fresh blueberries, powdered white sugar and a couple of rolled chocolate thins, laid crosswise. Apricot-Almond Gran Marnier Tarte (\$6) rested in flaky phyllo pastry, flanked by a couple of dollops of good vanilla ice cream, surrounded by strawberry drizzle.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"FOOD WONDERFUL AT 'UPTOWN' BLUE HOUR BAR." *News & Record* [Piedmont Triad, NC] 15 Mar. 2001: 10. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 67

Title: SPICE OF LIFE: FAVORITE HOLIDAY COOKIES TASTE LIKE HOME

Author(s): Judith Evans

Source: *St Louis Post-Dispatch (MO)*. (Dec. 4, 2000): Lifestyle: p1.

Document Type: Article

Full Text:

Sugar and spice flavor the cookies that we consider heirlooms. In early fall, we asked readers to send holiday cookie recipes that had been passed down to them or that they would like to give to a loved one. Some of the cookies dated from decades ago; others are relatively recent. Stories of wartime, from World War II to Vietnam, flavor some histories. Other tales recall life on the farm or in an immigrant's country of birth.

[Unrelated information has been deleted.]

Tester's note: Crisp cookie loaded with spices, not overly sweet. This recipe creates a sturdy gingerbread man that won't break easily while decorating. If desired, use a currant for the nose.

[Unrelated information has been deleted.]

"This melt-in-your mouth cookie recipe was given to me by a neighbor more than 35 years ago. Our oldest son, about 5 or 6 at the time, loved them so -- when asked by our neighbor what he would like for Christmas, he asked for a big box of her cookies. She obliged with a large department store dress box full of her butter thins!"

--Mildred Dickherber, St. Louis

BUTTER THINS

1/2 cup granulated sugar

[Unrelated information has been deleted.]

Source Citation (MLA 7<sup>th</sup> Edition)

Evans, Judith. "SPICE OF LIFE: FAVORITE HOLIDAY COOKIES TASTE LIKE HOME." *St Louis Post-Dispatch* [MO] 4 Dec. 2000: 1. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 68

Title: Health on wheels; Loading vehicle with the right stuff makes trip more fulfilling

Author(s): Teresa J. Farney

Source: *The Gazette (Colorado Springs, CO)*. (Aug. 30, 2000): Lifestyle: pLIFE1.

Document Type: Article

Copyright: COPYRIGHT 2000 The Gazette (Colorado Springs, CO). The Gazette

**Error! Hyperlink reference not valid.**

Full Text:

Byline: Teresa J. Farney; The Gazette

The SUV is packed, the kids are buckled in and all systems are go as you head out for the highway on the last three-day weekend of the summer.

[Unrelated information has been deleted.]

It might sound like mission impossible: tasty, low-fat fare foraged from the dangerous inventory of a convenience store. But, here we go:

First stop, the pretzel rack. A connoisseur's selection: old-fashioned, sourdough, thins, rods, twists. Don't forget to pick up a jar of mustard for dunking.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

Farney, Teresa J. "Health on wheels; Loading vehicle with the right stuff makes trip more fulfilling." *Gazette* [Colorado Springs, CO] 30 Aug. 2000: LIFE1. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 69

Title: Stuff it, spread it, wrap it, dip it Yummy appetizers come to fore at this most festive time of year Holiday Ideas

Author(s): Betty Parham

Source: *The Atlanta Journal-Constitution (Atlanta, GA)*. (Dec. 22, 1999): Lifestyle:

Document Type: Column, Recipe

TheAtlanta  
Journal-  
Constitution

Copyright: COPYRIGHT 1999 The Atlanta Journal-Constitution

<http://www.ajc.com/>

Full Text:

Betty Parham

Although the French decreed in the 17th century that hors d'oeuvres should be served before a meal, we are, after all, approaching the 21st, and times have changed.

[Unrelated information has been deleted.]

When choosing dips, don't think chips --- think fine British crackers, crusty rounds of French bread, pita wedges or bagel thins. Check out the import section of the grocery and see what you can come up with. Go all out and save the chips for the Super Bowl.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

Parham, Betty. "Stuff it, spread it, wrap it, dip it Yummy appetizers come to fore at this most festive time of year Holiday Ideas." *Atlanta Journal-Constitution* [Atlanta, GA] 22 Dec. 1999 *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 70

Title: The 12 cookies of Christmas

Source: *The Tampa Tribune (Tampa, FL)*. (Dec. 16, 1999): Lifestyle: p1.

Document Type: Recipe

Copyright: COPYRIGHT 1999 The Tampa Tribune. The Tampa Tribune

<http://www.tampatrib.com>

Full Text:

TAMPA - For Janet Magnuson, one of the first signs of Christmas was her children's teachers asking, "Are you going to make those cookies?"

[Unrelated information has been deleted.]

Lemon **Thins** have the addition of lemon rind, and Molasses **Thins** contain molasses, cloves and nutmeg.

[Unrelated information has been deleted.]

8. Lemon **Thins**: Add 1 teaspoon lemon juice, 1/2 teaspoon lemon zest (the colored portion of the citrus peel) and a few drops yellow food coloring. Or, Orange **Thins**: Add 1 teaspoon orange juice, 1/2 teaspoon orange rind and a few drops orange food coloring.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

"The 12 cookies of Christmas." *Tampa Tribune* [Tampa, FL] 16 Dec. 1999: 1. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*



Newspaper Article # 71

Title: Edible Gifts, a Click or a Call Away

Author(s): Marian Burros

Source: *The New York Times*. (Nov. 24, 1999): Lifestyle:

Document Type: Article

~~The New York Times~~

Copyright: COPYRIGHT 1999 The New York Times Company

<http://www.nytimes.com>

Full Text:

WHAT started as a trickle of mail-order food sources on the Internet last year has turned into a torrent, making it difficult to sort out the delicious from the dreary.

[Unrelated information has been deleted.]

Baked Potato **Thins** from WILLIAM POLL -- turned out to be more popular than potato chips at my house. They are thicker than chips and great for spreads or dips. Three four-ounce packages cost \$25, including shipping.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

Burros, Marian. "Edible Gifts, a Click or a Call Away." *New York Times* 24 Nov. 1999. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 72

Title: FOOD STUFF

Author(s): Florence Fabricant

Source: *The New York Times*. (July 14, 1999): Lifestyle:

Document Type: Article

~~The New York Times~~

Copyright: COPYRIGHT 1999 The New York Times Company

<http://www.nytimes.com>

Full Text:

A Few New Looks For the Potato Chip

[Unrelated information has been deleted.]

William Poll Baked Potato **Thins** are big, thin slices of potato, baked crisp and seasoned in eight flavors, including rosemary, garlic and onion. They are sold at the William Poll store, 1051 Lexington Avenue (75th Street), in a four-ounce box for \$6. Also new are Chile Today Hot Tamale's Kettle Potato Chips in such flavors as cracked pepper and balsamic vinegar, or chipotle, romano and herb. They will be available in September for about \$3 for five ounces.

[Unrelated information has been deleted.]

Source Citation (MLA 7<sup>th</sup> Edition)

Fabricant, Florence. "FOOD STUFF." *New York Times* 14 July 1999. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 73

Title: ALMONDS, BEES: BUDS AND BUDS FARMERS AND BEEKEEPERS SEE SIGNS OF A BUMPER CROP IN THE VALLEY

Source: *The Fresno Bee* (Fresno, CA). (Feb. 21, 1999): Business News: pC1.

Document Type: Article

Copyright: COPYRIGHT 1999 Dialog LLC. The Fresno Bee. All rights reserved. Reproduced with the permission of Dialog LLC by Gale.

<http://www.dialog.com/>

Full Text:

Byline: DENNIS POLLOCK AND ROBERT RODRIGUEZ THE BEE

Ken Selzer has been nearly as busy as the bees he trucks into Valley orchards where those creatures soon will do their part in developing a crop worth nearly \$1 billion: almonds.

[Unrelated information has been deleted.]

In the past year, Blue Diamond's Almond Research Center introduced two new products: Nut **Thins**, almond-based premium snack crackers, and Almond Breeze, an almond-based milk substitute without lactose or butterfat.

**Source Citation** (MLA 7<sup>th</sup> Edition)

"ALMONDS, BEES: BUDS AND BUDS FARMERS AND BEEKEEPERS SEE SIGNS OF A BUMPER CROP IN THE VALLEY." *Fresno Bee* [Fresno, CA] 21 Feb. 1999: C1. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 74

Title: A tisket, a tasket ... Putting it all in a gift basket

Author(s): Karyn Miller-Medzon

Source: *The Boston Herald*. (Dec. 8, 1998): p010.

Document Type: Article

Copyright: COPYRIGHT 1998 Boston Herald

Full Text:

If holiday stress leaves you feeling like a basket case, take heart.

A case can be made that gift baskets are the solution to your shopping dilemmas.

Choosing a single "perfect" gift can prove daunting, but it's hard to go wrong with an entire package of goodies.

[Unrelated information has been deleted.]

For the xenophile, there's the International Seasonal Selection (\$65), which includes popular foods from around the world. Among them are Pfeffernusse gingerbread, Biscotti di Natale, ginger thins, Mozart Kugeln and more.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

Miller-Medzon, Karyn. "A tisket, a tasket ... Putting it all in a gift basket." *Boston Herald* 8 Dec. 1998: 010. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 75

Title: A LOT OF NUTTIN' AS FARMERS PLANT MORE ALMONDS, RESEARCHERS  
SEEK NEW WAYS TO USE THE NUTS IN ORDER TO EXPAND SALES

Author(s): Dennis Pollock

Source: *The Fresno Bee (Fresno, CA)*. (Dec. 7, 1998): Business News: pC1.

Document Type: Article

Copyright: COPYRIGHT 1998 Dialog LLC. The Fresno Bee. All rights reserved. Reproduced  
with the permission of Dialog LLC by Gale.

<http://www.dialog.com/>

Full Text:

Byline: DENNIS POLLOCK THE FRESNO BEE

California almonds are in.

[Unrelated information has been deleted.]

Blue Diamond prides itself on its Almond Research Center that works on projects that include  
development of new products in which almonds can be used. In the past year, the center  
introduced two new products.

Nut Thins are almond-based premium snack crackers that are being introduced to markets  
across America. Almond Breeze, an almond-based milk substitute without lactose or butterfat,  
has been well-received in U.S. test markets and is being tested in several markets overseas.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

Pollock, Dennis. "A LOT OF NUTTIN' AS FARMERS PLANT MORE ALMONDS,  
RESEARCHERS SEEK NEW WAYS TO USE THE NUTS IN ORDER TO EXPAND  
SALES." *Fresno Bee* [Fresno, CA] 7 Dec. 1998: C1. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 76

Title: GUILTLESS vs. GOLLAITH; Frito-Lay invades no-fat territory

Author(s): R. Michelle Breyer

Source: *The Austin American-Statesman (TX)*. (Mar. 8, 1996): Business News: pD1.

Document Type: Article

Copyright: COPYRIGHT 1996 The Austin American-Statesman

Full Text:

Michael Schall says he can't worry about what snack food giant Frito-Lay is doing every day.

[Unrelated information has been deleted.]

Guiltless Gourmet will continue to expand its line of low-fat and nonfat products, Schall said. Eventually, it could include everything from breakfast cereals to beverages. He believes the company's sales could exceed \$100 million within 10 years. Although he won't release specific sales figures, he said they were more than \$20 million in 1995.

"We created this category and we're going to continue to innovate it and lead it, despite anybody's size out there," Schall said.

(from graphs) Tortilla chip sales in 1995 Doritos -- \$466.2 Tostitos -- \$370.7 Baked tostitos -- \$112.9 Dorito Thins -- \$34.1 Guiltless Gourmet -- \$14.5

Dip sales in 1995 Frito-Lay -- \$70.9 Guiltless Gourmet -- \$4.4

Credit: Tom Lankes, Jay Carr

Art Type: COLOR PHOTOS, PHOTOS, GRAPHS

DT Status: ADD

Source Citation (MLA 7<sup>th</sup> Edition)

Breyer, R. Michelle. "GUILTLESS vs. GOLLAITH; Frito-Lay invades no-fat territory." *Austin American-Statesman* [TX] 8 Mar. 1996: D1. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 77

Title: Pepsico Pushes a Star Performer

Author(s): Glenn Collins

Source: *The New York Times*. (Nov. 3, 1994): News:

Document Type: Article

~~The New York Times~~

Copyright: COPYRIGHT 1994 The New York Times Company

<http://www.nytimes.com>

Full Text:

Attention snack food aficionados: What will soon be 20 percent larger, 15 percent thinner and stronger tasting?

[Unrelated information has been deleted.]

With \$1.3 billion in retail sales in 1993, Doritos is the leader in the \$13.4 billion snack category, which includes chips, cookies, crackers, candies and cakes, according to Information Resources International, which tracks supermarket sales. Doritos represented about 33 percent of Frito-Lay's \$4 billion in total retail sales for 1993.

The redesign marks the latest in a series of Pepsico marketing events that have attempted to bring excitement to brands including Lay's, Wavy Lay's, Doritos Tortilla **Thins** and Rold Gold pretzels.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

Collins, Glenn. "Pepsico Pushes a Star Performer." *New York Times* 3 Nov. 1994. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 78

Title: Eating Well

Author(s): Marion Burros

Source: *The New York Times*. (June 15, 1994): Lifestyle:

Document Type: Article

~~The New York Times~~

Copyright: COPYRIGHT 1994 The New York Times Company

<http://www.nytimes.com>

Full Text:

THE Food and Drug Administration tried to think of every eventuality when it issued the Nutrition Labeling and Education Act. The regulations were designed to make food labels less confusing and more uniform so that shoppers could compare products more easily. They were scheduled to take effect on May 8 but an extension has been granted until Aug. 8.

[Unrelated information has been deleted.]

"Using the pyramid on a package of food," Ms. Liebman said, "implies that the food is healthy. The company is using it as a shield, trying to hide flaws of the product behind the pyramid. Does that mean that you should eat 6 to 11 servings of Teddy Grahams a day?"

Nabisco is using the pyramid on all its crackers, pretzels and graham crackers, regardless of fat content, said Mark Gutsche, a spokesman for Nabisco Foods Group. Its Ritz Bits have 9 grams of fat in a serving and 14 percent of the recommended daily intake for fat, and its Nabisco Vegetable **Thins** have 9 grams of fat, or 13 percent.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

Burros, Marion. "Eating Well." *New York Times* 15 June 1994. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*



Newspaper Article # 79

Title: THE MEDIA BUSINESS: ADVERTISING -- ADDENDA; New Product Honors For Nabisco Foods

Author(s): Stuart Elliott

Source: *The New York Times*. (Apr. 15, 1994): News:

Document Type: Brief article

~~The New York Times~~

Copyright: COPYRIGHT 1994 The New York Times Company

<http://www.nytimes.com>

Full Text:

The Nabisco Foods Group in Parsippany, N.J., was the big winner last night at the eighth annual Edison New Product Awards competition sponsored by the American Marketing Association.

At a dinner in New York, Nabisco was awarded the Grand Edison New Product Marketer of the Year award, as well as winning three golds, three silvers and a bronze for its products including Snackwell's cookies and crackers, Oreo ice cream cones and Planters P. B. Crisps.

BBDO Worldwide in New York was honored as the New Product Agency of the Year, winning six Edisons, four golds and two silvers, for work on new products like the Polaroid Captiva camera, the Pizza Hut Big Foot Mega Pizza, Apple Computer's Newton and Frito-Lay's Doritos Tortilla Thins.

By Stuart Elliott

**Source Citation (MLA 7<sup>th</sup> Edition)**

Elliott, Stuart. "THE MEDIA BUSINESS: ADVERTISING -- ADDENDA; New Product Honors For Nabisco Foods." *New York Times* 15 Apr. 1994. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 80

Title: The Famous Brands on Death Row

Author(s): Stuart Elliott

Source: *The New York Times*. (Nov. 7, 1993): News:

Document Type: Article

~~The New York Times~~

Copyright: COPYRIGHT 1993 The New York Times Company

<http://www.nytimes.com>

Full Text:

BRYLCREEM, Ovaltine, Lavoris, Good & Plenty, Lifebuoy.

Once best sellers in their fields, advertised constantly and promoted heavily, these products -- and many others that are 40, 50, 60, even 100 years old -- have lost their leadership status, becoming ghosts of their former selves.

[Unrelated information has been deleted.]

Jerry Noonan, a vice president of marketing at the Nabisco Biscuit Company in Parsippany, acknowledged the shift in power. "Ultimately, we do have to manage our shelf," said Mr. Noonan, whose company still sells such ghost brands as Lorna Doone, Uneeda, Mallomars, Biscos and Vegetable Thins. "In an increasingly cluttered and competitive world, retailers are interested in rationalizing all the items they offer." Too Many Choices

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

Elliott, Stuart. "The Famous Brands on Death Row." *New York Times* 7 Nov. 1993. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 81

Title: SHOPPER'S WORLD; On English Supermarket Shelves, Edible Souvenirs

Author(s): Susan Allen Toth

Source: *The New York Times*. (Aug. 22, 1993): Lifestyle:

Document Type: Article

~~The New York Times~~

Copyright: COPYRIGHT 1993 The New York Times Company

<http://www.nytimes.com>

Full Text:

SEARCHING for affordable souvenirs in England is not always easy. Even with the pound devalued, cashmere sweaters are still stunningly expensive, and a skirt-length of Harris tweed or Scotch tartan might, for a cost-conscious tourist, involve giving up a long-awaited tea at the Dorchester. (And who do you know who wants a tartan skirt?) Most of the fairly inexpensive trinkets at street stands -- little soldiers in tall fur hats, miniature British flags, dish towels depicting the Tower of London, smart-alecky T-shirts -- are either flimsy or tacky, or both. So what can a traveler on a limited budget find?

[Unrelated information has been deleted.]

From an almost infinite cookie assortment, I singled out "ginger thins," like gingersnaps, at 60 cents a package; Highland Oatcakes, 78 cents, a flat grainy circle of oatmeal, fat, wheat, sugar and flour; and Milk Chocolate Rustics, an oatflake-sweetened "digestive biscuit" at 96 cents.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

Toth, Susan Allen. "SHOPPER'S WORLD; On English Supermarket Shelves, Edible Souvenirs." *New York Times* 22 Aug. 1993. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 82

Title: Advertising; Here's JayDaveConanChevy! Hard Sell for Late-Night TV

Author(s): Stuart Elliott

Source: *The New York Times*. (Aug. 11, 1993): News:

Document Type: Article

~~The New York Times~~

Copyright: COPYRIGHT 1993 The New York Times Company

<http://www.nytimes.com>

Full Text:

Don't ask what Jay, David, Chevy, Conan and Arsenio are doing to lure viewers for the megagabfest coming to late-night television.

An easier question to answer would be: What aren't they doing?

The quintet of tongue-waggers are pursuing almost every imaginable advertising and promotional ploy for attracting attention and, they hope, viewers. Their intensive marketing battle to determine the chat-show championship could make the cola wars seem like skirmishes -- though this is one fight where the audience may call it a night long before those inside the ring do.

[Unrelated information has been deleted.]

And Mr. Chase, whose show starts on Fox on Sept. 7, has ended nearly two decades of declining to pitch products by signing with Frito-Lay for a campaign that simultaneously hawks "The Chevy Chase Show" and a snack chip. Would you believe that the man who mocked commercials on "Saturday Night Live" is now appearing as a life-size stand-up cardboard figure in 40,000 stores, urging consumers to "Watch-N-Win with Doritos Tortilla Thins on Fox"?

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

Elliott, Stuart. "Advertising; Here's JayDaveConanChevy! Hard Sell for Late-Night TV." *New York Times* 11 Aug. 1993. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 83

Title: THE MEDIA BUSINESS: ADVERTISING -- ADDENDA; Chevy Chase Chosen For Frito-Lay Spots

Author(s): Stuart Elliott

Source: *The New York Times*. (Aug. 4, 1993): News:

Document Type: Brief article

*The New York Times*

Copyright: COPYRIGHT 1993 The New York Times Company

<http://www.nytimes.com>

Full Text:

What is it with Frito-Lay and late-night talk show hosts? The company, which used Jay Leno in commercials for its Doritos brand of tortilla chips from 1986 to 1990, said yesterday that it had signed Chevy Chase, who will begin appearing next month on a talk show for the Fox Broadcasting network, as a spokesman for its Doritos Tortilla **Thins** brand of chips. Though terms of Mr. Chase's contract were not disclosed, Advertising Age estimated in June that he would be paid \$3 million.

Mr. Chase, whose program, "The Chevy Chase Show," begins on Sept. 7, is starring in his first advertising campaign; the first of three commercials, created by BBDO New York, is scheduled to appear tomorrow night during a "Tribute to Michael Jordan" on NBC. In the spot, Mr. Chase performs some acrobatic stunts as he rescues a bag of chips from a frail elderly woman about to be crushed by a steamroller. The spot carries the theme "Grab 'em," which replaces the one used to introduce the brand in March, "America, your chip has come in."

Jay Coleman, the president of EMCI Ltd. in Stamford, Conn., an entertainment marketing company that brought Mr. Chase and Frito-Lay together, acknowledged that one reason Mr. Chase had decided to become a spokesman after years of turning down offers was his talk show. "You want maximum visibility," he said.

By STUART ELLIOTT

Source Citation (MLA 7<sup>th</sup> Edition)

Elliott, Stuart. "THE MEDIA BUSINESS: ADVERTISING -- ADDENDA; Chevy Chase Chosen For Frito-Lay Spots." *New York Times* 4 Aug. 1993. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 84

Title: THE MEDIA BUSINESS -- ADVERTISING; Taking a chip off Pepsi-Cola's block, Frito-Lay gets ready for a multimedia blitz

Author(s): Stuart Elliott

Source: *The New York Times*. (Mar. 25, 1993): News:

Document Type: Article

Copyright: COPYRIGHT 1993 The New York Times Company

Full Text:

THE "Pepsification" of Frito-Lay Inc. accelerates next week when the snack-food maker begins its most ambitious efforts yet to emulate its larger soft-drink sibling, Pepsi-Cola, with "big event" advertising.

Frito-Lay, which commands 42 percent of the nation's estimated \$13.4 billion snack market, will introduce Doritos Tortilla Thins, a lighter, thinner version of its Doritos tortilla chips, with the biggest marketing and promotion campaign in the company's history.

[Unrelated information has been deleted.]

Now, with Doritos Tortilla Thins, Mr. Enrico is even tapping into the expertise of a longtime colleague, Alan Pottasch, who has been called "the father of 'the Pepsi Generation,' " the advertising theme that successfully sold Pepsi as a life-style choice rather than on attributes like taste or price. Mr. Pottasch has begun serving as a part-time creative ad consultant to Frito-Lay, while continuing to serve as senior vice president of worldwide creative at Pepsi-Cola International.

[Unrelated information has been deleted.]

The goal is for Doritos Tortilla Thins to be to Doritos, which are thicker and smaller than the new variety, what Levi's Loose Jeans are to Levi's 501 Jeans -- in other words, to appeal to older baby-boomers who have outgrown the regular product. Mr. Liguori said that the introduction should reverse "five years of stagnation" suffered by the Doritos trademark: Frito-Lay projects Doritos Tortilla Thins will sell \$450 million worth of chips in the first year on the market, compared with \$2.5 billion in total retail sales of tortilla chips nationally.

**Source Citation** (MLA 7<sup>th</sup> Edition)

Elliott, Stuart. "THE MEDIA BUSINESS -- ADVERTISING; Taking a chip off Pepsi-Cola's block, Frito-Lay gets ready for a multimedia blitz." *New York Times* 25 Mar. 1993. *Custom Newspapers*. Web. 6 Aug. 2014.

\*\*\*\*\*

Newspaper Article # 85

Title: COMPANY NEWS: Dipping vs. Snacking; Can a Tortilla Chip Ever Be Too Thin?

Author(s): Adam Bryant

Source: *The New York Times*. (Sept. 2, 1992): News:

Document Type: Article

~~The New York Times~~

Copyright: COPYRIGHT 1992 The New York Times Company

<http://www.nytimes.com>

Full Text:

In snack-food parlance, it is called "out-of-bag snackability." Today's tortilla chips, it would seem, don't have it. Too thick. Too plain. Too many munchers left hankering for a bowl of salsa after the first mouthful.

[Unrelated information has been deleted.]

A national introduction is planned for next spring if consumers in Tulsa and Omaha show a preference for Doritos Tortilla **Thins**.

The new product is one of many that Frito-Lay, based in Plano, Tex., will be testing in coming years in a bid to enlarge its 42 percent share of the \$13.4 billion snack market in the United States.

Frito-Lay executives refer to the new product as the "baby boomer chip," hoping it will appeal to an older audience. Anheuser-Busch's Eagle snacks division is planning to introduce a similar chip this year.

Roger Enrico, Frito-Lay's chairman, said yesterday that Tortilla **Thins** should top \$100 million in sales in their first year. The company has also reformulated recipes for other products, like its best-selling nacho cheese-flavored Doritos tortilla chips.

[Unrelated information has been deleted.]

**Source Citation** (MLA 7<sup>th</sup> Edition)

Bryant, Adam. "COMPANY NEWS: Dipping vs. Snacking; Can a Tortilla Chip Ever Be Too Thin?" *New York Times* 2 Sept. 1992. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*

Newspaper Article # 86

Title: FOOD NOTES

Author(s): Florence Fabricant

Source: *The New York Times*. (Apr. 29, 1987): Lifestyle:

Document Type: Article

*The New York Times*

Copyright: COPYRIGHT 1987 The New York Times Company

<http://www.nytimes.com>

Full Text:

LEAD: Gracious Southern Fare Savannah, Ga., is known for its hospitality, and Northern hosts might consider having some of its specialty foods on hand for entertaining. Set out a dish of spiced or caramelized pecans, for example, and cocktail nibbles are taken care of; butter things are all you need with ice cream or fruit for dessert.

Gracious Southern Fare Savannah, Ga., is known for its hospitality, and Northern hosts might consider having some of its specialty foods on hand for entertaining. Set out a dish of spiced or caramelized pecans, for example, and cocktail nibbles are taken care of; butter things are all you need with ice cream or fruit for dessert.

[Unrelated information has been deleted.]

The Byrd Cookie Company's benne wafers, thin crisp sesame-seed cookies, and butter things are \$4.50 for an eight-ounce tin. Vidalia onion relishes and mustards are sold under several labels, but the Connor Farms basket containing jars of the burnt-sugar and sweet-onion mustards for \$17.50 would make a lovely gift.

[Unrelated information has been deleted.]

Source Citation (MLA 7<sup>th</sup> Edition)

Fabricant, Florence. "FOOD NOTES." *New York Times* 29 Apr. 1987. *Custom Newspapers*. Web. 6 Aug. 2014.

\* \* \* \* \*